DOCUMENT RESUME

ED 076 722 UD 013 506

TITLE	Hearings Before the Select Committee on Nutrition and Human Needs of the United States Senate, Ninety-First Congress, Second Session on Nutrition and Human Needs. Nutrition and Human Needs--1970. Part 2--National School Lunch Program; the Urban Crisis. Hearings Held Modesto, Calif., March 23, 1970, and Chicago, Ill., April 20, 1970.
INSTITUTION	Congress of the U.S., Washington, D. C. Senate Select Committee on Nutrition and Human Needs.
NOTE	477p.; Committee Print, Senate Select Committee on Nutrition and Human Needs
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($1.75)
EDRS PRICE	MF-$0.65 HC-$16.45
DESCRIPTORS	Breakfast Programs; Disadvantaged Youth; *Economically Disadvantaged; *Federal Court Litigation; *Federal Programs; Hunger; Lunch Programs; *Nutrition; Program Administration; Student Needs; *Urban Population; Welfare Problems; Welfare Recipients
IDENTIFIERS	California; Illinois

ABSTRACT

The contents of this part of the hearings before the Senate Select Committee on Nutrition and Human Needs are organized in six sections. Section one comprises the testimony and/or prepared statements of 10 witnesses submitted on March 23, 1970 before the Select Committee at Modesto, California, including: Daniel Lowenstein and Philip Neumark, Modesto Office of California Rural Legal Assistance; E.W. Rose, vice-chairman, Modesto Board of Education, and Bert C. Corona, Ed.D., superintendent of Modesto City Schools; and others. Section two comprises the testimony and/or prepared statements of 15 witnesses submitted on April 20, 1970 before the Select Committee at Chicago, Ill., including: Hon. Charles H. Percy, a U.S. Senator from the State of Illinois; Ray H. Page, superintendent of public instruction, State of Illinois; De. Delton J. Brooks Jr., commissioner, Department of Human Resources, City of Chicago; and others. Section three comprises material supplied for the record. Section four includes materials appended to the testimony of witnesses before the Select Committee at Modesto, California, including miscellaneous articles and publications, and tables. Section five includes materials appended to the testimony of witnesses before the Select Committee at Chicago, Ill. including miscellaneous articles and publications, tables, and studies. Section six includes materials appended to the hearings in general. (JM)

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NUTRITION AND HUMAN NEEDS—1970

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS
OF THE
UNITED STATES SENATE
NINETY-FIRST CONGRESS
SECOND SESSION
ON
NUTRITION AND HUMAN NEEDS

PART 2

NATIONAL SCHOOL LUNCH PROGRAM
Modesto, Calif., March 23, 1970

THE URBAN CRISIS
Chicago, Ill., April 20, 1970

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42-778
WASHINGTON : 1970

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NUTRITION AND HUMAN NEEDS

MONDAY, MARCH 23, 1970

U.S. SENATE,
SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS,
Modesto, Calif.

The committee met at 9:30 a.m., pursuant to call, at the King-Kennedy Center, Modesto, Calif., Hon. George McGovern (chairman of the committee) presiding.

Also present: Kenneth Schlossberg, staff director; Gerald S. J. Cassidy, special counsel; Clarence V. McKee, professional staff member for the minority; Roberta Milman, legislative assistant to Senator Percy; and Nancy Howard, secretary to the staff director.

Senator MCGOVERN. Reverend Taylor.

Reverend TAYLOR. We want to take this opportunity of welcoming you all to the U.S. Senate hearing this morning on hunger and malnutrition, and to state to you that we will be very busy for the next 3 hours, so lend us your undivided attention.

I will now turn it over to Senator McGovern, Democrat, from the State of South Dakota.

OPENING STATEMENT OF HON. GEORGE McGOVERN, CHAIRMAN OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Senator MCGOVERN. Thank you very much, Reverend Taylor.

Let me just begin with a brief opening statement before we call on our first witness.

I want to explain that we had expected to have two or three members of the Senate select committee here today, but because of the postal strike, the Carswell nomination and other business pending in the Senate today, it was not possible for other members of the committee to be here, but let me assure everyone that the entire record of today's hearing will be read carefully by every single member of our committee. We are here to be helpful in a situation that we believe is important and significant, and not only because of what it means to this community but because this is a part of our overall school lunch problem which we find in many parts of the Nation. The committee wants to do what it can to arrive at a better understanding of why the program is not working more effectively than it is, and that is the purpose of our visit to Modesto this morning.

We are here today to study what we believe to be a rather unusual problem. A comparatively strong school district has resigned from the national school lunch program, apparently in response to an order of a Federal court, which instructed the district to feed all of its needy children as a condition to continued participation in the national school lunch program.

This is an issue that has divided the community and left many poor children with unfulfilled expectations and needs. But it is also a situation, as I see it, that raises serious questions, regarding the operation of the national school lunch program.

The most important question is whether the goal of that program—providing every child with a school lunch—is a realistic and attainable goal. That goal was first stated very clearly in 1946 and today, here in Modesto, nearly a quarter of a century later, it is apparent, I think, just how distant that goal is, not only in this community but in many parts of the United States.

The Modesto situation forces us to ask: Can the national school lunch program continue to operate with a promise of food for all of our children? Can that promise be maintained with no national standard of eligibility to guarantee that right to all children? Can it continue to operate without adequate funding, and with the apportionment of funds to the States, based not on need but on past participation? Is that a realistic criteria to determine the funding for a State and local program?

These problems are bringing about confusion and confrontation in many communities, and I think they will continue to do so until legislation to remedy them is enacted. Now, the Senate recently took a long step in that direction by passing what I believe to be a very good school lunch bill, which provides for a national eligibility standard. It provides for an open-ended funding authorization. It provides adequate funds to finance the program. And it provides for an apportionment of those funds on the basis of need, rather than on the basis of past participation. This bill now rests in the House of Representatives. It passed the Senate by a resounding margin some weeks ago.

But I think it is apparent now just how urgently reform is needed in our school lunch program.

I might just add, the committee was in California last year and we learned then what I think has been reaffirmed, and more recently by the events here in Modesto, that the State of California for various reasons came into the school lunch program rather belatedly. They came in on a rather small scale, and what that has meant is that as long as we are following a standard of apportionment of funds based on past participation you have a kind of built-in problem in this State that holds California to a rather low apportionment of funds for the school lunch program.

The new reform legislation meets that problem by substituting the criteria of need rather than the criteria of past performance, and that is one of the things I think we ought to keep in mind as these hearings proceed this morning.

Now, our first witnesses are Mr. Daniel Lowenstein and Mr. Philip Neumark, of the California Rural Legal Assistance program in Modesto, Calif., and I would like to call Mr. Lowenstein and Mr. Neumark to the witness stand. They will be followed by Dr. Corona, the Superintendent of the Modesto County schools and by Mr. E. W. Rose, the vice chairman of the Modesto County School Board.

Mr. Lowenstein and Mr. Neumark, we are happy to welcome you to the committee, and you can proceed as you wish.

STATEMENTS OF DANIEL LOWENSTEIN, AND PHILIP NEUMARK, MODESTO OFFICE OF CALIFORNIA RURAL LEGAL ASSISTANCE

Mr. LOWENSTEIN. Thank you, Senator McGovern.

We have prepared a joint statement and, since our statement does provide a good deal of the background of this situation, with your permission, I will read it in its entirety.

Mr. Chairman, we are grateful to have this opportunity to appear before the Senate Select Committee on Nutrition and Human Needs.

We are attorneys, members of the bar in California, and we are employed by the Modesto office of California Rural Legal Assistance, an OEO-funded legal services program. We represented the plaintiffs in the Modesto school lunch case, *Shaw* v. *Modesto.*

SCHOOL BOARD

Your arrival in Modesto is timely. The U.S. District Court Judge Thomas J. MacBride ruled last month that Modesto School Board was in violation of the free-lunch provision of the National School Lunch Act. Instead of complying with the court's order, the school board responded by withdrawing from the national school lunch program and thereby forfeiting $126,000 in Federal aid for the remainder of the current school year. The loss of this Federal aid will mean that the nutritional value of lunches will be diminished, the price of the lunches will be increased, and worst of all, thousands of needy children will be denied hot lunches.

Although the school board admits that their decision to withdraw from the national school lunch program will have these consequences, the board has twice refused to reconsider their decision even though continued participation in the school lunch program would not cost the school board 1 cent.

We hope that your hearings will cast light on the facts surrounding the Modesto school lunch crisis and on the motives underlying the board's refusal to remain in the national school lunch program.

The Modesto school lunch controversy had its beginning in May 1969, when Don Wilson, a parent and resident of Modesto, asked the school board to explain the operation of the free lunch program in the Modesto school system. In subsequent meetings Mr. Wilson was joined by more and more parents who could not afford to buy their children school lunches but were being denied free lunches in the Modesto schools.

At first, the board stated that every needy child was being fed. However, as discussion of the school lunch program proceeded there was agreement between the parents, the school board and Dr. Bert C. Corona, superintendent of schools, as to the following facts:

1. Of the more than 21,000 children enrolled in the Modesto schools in 1968–69, 2,941 of these came from families supported by public assistance under the aid to families with dependent children program (AFDC).
2. Only 5.8 percent, 170 out of 2,941, of the low-income children in the district's schools received free school lunches.
3. During the 1968–69 school year the school board expended $217,283.68 in Federal funds and commodities to reduce the price of lunches served to wealthy and middle-class children by 16 cents for each lunch.

Notwithstanding its statutory obligation to feed every needy child in the district, the Modesto school board allocated only $11,041.35 to feed needy children. That was $217,000 for the wealthy and middle-class children, $11,000 for the needy children.

Recognizing that the schools had not been feeding the vast majority of needy children, Dr. Corona presented the school board on July 21, 1969, a free lunch program that would have increased participation in the free lunch program by at least 500 percent. Eligibility for free lunches was to be determined according to an objective, uniform income scale, the Office of Economic Opportunity poverty guidelines.

Dr. Corona's proposal was fully satisfactory to most of the parents present, and no one, in the audience or on the school board, ever questioned the appropriateness of the OEO guidelines as an eligibility standard for free lunches.

During the meeting, however, there was considerable discussion of how many children would be eligible under Dr. Corona's proposal. Some experts estimated as high as 3,000 children, and the lowest estimate of anyone present was between 900 and 1,000 children.

Although the board never questioned that between 1,000 and 3,000 children needed lunches, the board nevertheless decreed that all but 400 children would be excluded from the free lunch program. The board took this action because it was unwilling to spend 1 cent of the $217,283.68 it received in Federal aid under the national school lunch program to pay for lunches for needy children.

The board has at all times insisted that all of the subsidy should be used to provide a discount of 16 cents per lunch for middle-class and wealthy children who can afford to pay for lunches. The only money the board was willing to spend on lunches for needy children was $22,000 in special assistance or Section 11 money, which legally may be used only for that purpose, and $7,000 of district funds, a decrease of $4,000 from the previous year.

Because of this total of $29,000 was enough to pay for 400 free lunches per day, the school board refused to accept Dr. Corona's proposal that all the needy children be fed, and voted to exclude all but 400 children. The board then instructed Dr. Corona to formulate an eligibility standard that would limit participation to 400 children.

Pursuant to these instructions, on August 25, 1969, Dr. Corona proposed that no child receive a free lunch unless his family's income was less than 80 percent of the income level of the OEO poverty guidelines. Dr. Corona admitted that this standard was chosen solely to restrict participation to 400 children, and that it would be made even more restrictive if more than 400 children received free lunches.

The board adopted this proposal over the opposition of all the parents in attendance. When parents said they thought this standard was unfair, one member of the board, attorney Robert Bienvenu, repeatedly said, "If you don't like what we are doing, sue us."

Immediately after the August 25 meeting, several low-income parents asked us of California Rural Legal Assistance if they had any legal recourse against the board. We told them we believed the board had violated the free-lunch requirement of section 9 of the national school lunch act, and on September 2, 1969, we filed the complaint in *Shaw v. Modesto School Board* in the U.S. District Court for the Eastern District of California.

On September 8, 1969, Judge Thomas J. MacBride issued a temporary restraining order against the school board prohibiting them from putting into effect the restrictive program they had adopted at their August 25th meeting. On September 22, Judge MacBride issued a preliminary injunction against the board, with the same effect.

The trial in the case was begun on January 23, 1970, and on February 19, 1970, Judge MacBride announced judgment for the plaintiffs and issued a permanent injunction against the school board.

The issue before Judge MacBride in the *Shaw* case was whether a school district could limit participation in the free-lunch program because of its unwillingness to fund the program adequately, and these are Judge MacBride's words:

"The precise legal issue involved is whether under the act, a school board may base its free-lunch eligibility standards upon the amount of money it wishes to commit to the program. The defendant school board argues that it may." That is from Judge MacBride's opinion.

Initially, defendants argued that they could not comply with the statutory requirement of feeding all needy children because of the high tax rates in the district. Dr. Corona testified that the tax rate in Modesto was among the highest in the State.

Under questioning by the judge, however, Dr. Corona admitted that this statement was misleading because it did not take into account the fact that Modesto had the second lowest assessment rate in the State. Dr. Corona further admitted that all needy children in the district could be fed if the board raised the tax rate from $6 to $6.04 per $100 of assessed value. He explained that this would mean a tax increase of $1.60 per year for the owner of a $20,000 house.

He also testified that each middle-class and wealthy child receives a subsidy of $28.80 for school lunches during the year because the price of each lunch is discounted by 16 cents in Federal aid.

Dr. Corona also stated in court that the board felt it was legally obligated to maintain the 16-cent subsidy to middle-class and wealthy children even though reducing the subsidy to 13 cents per meal would generate enough revenue to fund free lunches for every needy child in the district.

Judge MacBride specifically rejected the board's position that it could not reduce the subsidy to middle-class children, stating—and these are Judge MacBride's words—"I know of nothing in the statute or the regulations which would prescribe it." That is also from Judge MacBride's opinion.

Judge MacBride ruled that the school board violated section 9 of the National School Lunch Act in that they denied free lunches to thousands of needy children because the board was unwilling to fund an adequate program.

The permanent injunction issued by Judge MacBride requires the school board, as a condition of continued participation in the National School Lunch Program, to provide free lunches to all children from families with income levels below the OEO poverty guidelines. This standard was embodied in the injunction because it was the standard that was proposed by Dr. Corona himself in July 1969.

Alternatively, the board may formulate a new eligibility standard, but such a standard must be based solely on the needs of children, and it may not exclude children who are unable to afford a school lunch.

The board has announced that it will not take an appeal from Judge MacBride's decision.

Six days after Judge MacBride's decision, Dr. Corona announced that he would recommend to the school board that instead of complying with the court order they should terminate participation in the national school lunch program.

Dr. Corona admitted that withdrawal from the school lunch program would mean:

1. That the price of lunches to all children in the schools would be increased;
2. That the nutritional level of lunches for all children would be decreased;
3. That the cafeterias in the high schools might be closed and more than 1,000 students who have been purchasing nutritious type A lunches in those cafeterias might have to rely on snack bars;
4. That the 2,800 children—that is Dr. Corona's estimate—who would have received lunches under Judge MacBride's order would go without a midday meal.

Dr. Corona admitted that the schoolchildren of Modesto would suffer these consequences because withdrawing from the national school lunch program would mean the forfeiture by the school board of $127,000 in Federal school lunch aid. By contrast Dr. Corona admitted that it will cost only $19,000 for the schools to provide meals to all the needy children as Judge MacBride ordered, and thereby avoid the necessity of cutting back the lunch program.

On March 2, 1970, the school board unanimously followed Dr. Corona's recommendation and decreed the end of national school lunch benefits for the more than 21,000 students in the Modesto schools. The sole justification given by any member of the board for this act was the board's unwillingness to commit $19,000 in local funds to save $127,000 in Federal aid.

On the following day the Emergency Food and Medical Services Division of the Office of Economic Opportunity informed us through the National Council on Hunger and Malnutrition that OEO would make a grant of the necessary $19,000 to the Modesto School Board so that the children of Modesto would not lose the benefits of the national school lunch program. This meant that the school board could comply with Judge MacBride's order and remain in the lunch program without spending 1 cent of local funds.

Even though this offer removed the only justification that had been made for dropping out of the program, the board in a telephone vote summarily rejected this offer.

The board now stated that as a matter of principle the school board would not accept any limitation on its discretion, whether set by Congress or by the Federal courts, to determine eligibility for the Federal lunch program.

Immediately after this decision was announced, several hundred parents joined together in a new organization, Citizens To Save the School Lunch Program. This group has been endorsed locally by the League of Women Voters, the National Association for the Advancement of Colored People, the Stanislaus County Central Labor Council, the Stanislaus County Federation of Teachers, and the Stanislaus County Social Workers Union.

In addition, the group has been supported by Mexican-American Political Association, by Operation Breadbasket, by Representative George Brown of California, the California Farmer Consumer Information Committee, State Senator George Moscone, Assemblywoman March Fong, the United Farmworkers Organizing Committee, the Children's Foundation, and the National Council on Hunger and Malnutrition.

At the school board meeting of March 9, 1970, the Stanislaus County Community Action Commission formally requested that the board place the school lunch question on the agenda for that meeting so that the board could reconsider its decision to drop out of the school lunch program. Representatives of many of the aforementioned groups as well as parents and citizens of Modesto spoke to urge the board to reconsider.

The members of the board incensed the large audience by refusing to enter into a dialog with any of the people who spoke. The board then refused to place the school lunch program on its agenda for that meeting, refused to call a special meeting, and refused to place the school lunch program on the agenda for any future meeting.

When confronted with this refusal by the board to even discuss the issue, the parents at the meeting peacefully began rhythmically clapping and chanting "Feed Our Children." The school board, unable to control the audience that it had fired up, adjourned its meeting.

The following day and for the remainder of last week, peaceful picket lines were placed in front of the school administration headquarters and the places of business of some of the school board members. The citizens to save the school lunch program has named a negotiating committee, and hopes that through improved communication between the community and the school board Modesto and its children can be brought back into the school lunch program. To date, the members of the school board have absolutely refused to meet with the negotiating committee. The committee has met with Dr. Corona, who has indicated that he cannot speak for the school board members.

We are hopeful that the many organizations, citizens, and parents who have supported the school lunch program will persuade the school board to reverse its rash and unwise decision. We believe that your coming to Modesto and holding hearings here will assist in this effort by bringing the facts to light.

At the same time, we believe that what has happened in Modesto illustrates the need for amendments to the National School Lunch Act that will make the program a more effective one.

First, national eligibility standards for free and reduced-price lunches should be written into the National School Lunch Act. Such standards would insure a more uniform program and would guarantee to every needy child a hot, nutritious lunch without regard to the whims of local school boards and administrators. Such standards would also insure that the Federal funds and commodities appropriated by Congress will be used for the purposes Congress had in mind when it enacted the National School Lunch Act.

Second, the free-lunch requirements of section 9 of the National School Lunch Act should be extended to school districts receiving section 32 and section 416 commodities and cash subsidies under the special milk program. The Modesto school board has attempted to justify its withdrawal from the National School Lunch Act on the ground that it continued to receive the benefits of these programs and escape its responsibilities to low-income children. The national school lunch program is important for the future of our Nation, and we hope Congress will plug the loopholes that encourage recalcitrant school boards to stay out of the program.

Thank you again, Mr. Chairman, for inviting us to testify. If you have any questions we will answer them to the best of our ability.

Senator **McGovern**. Thank you very much, Mr. Lowenstein.

I wonder if you could just summarize for us how your office came to be involved in the school lunch controversy. Either you or Mr. Neumark could respond to that.

Mr. **Neumark**. I will speak to that, Senator.

During late May last year Don Wilson appeared before the school board and asked the school board certain questions concerning the operation of the lunch program. When he didn't receive satisfactory answers he came to our office with a group of other low-income parents.

Senator **McGovern**. Who was this gentleman?

Mr. **Neumark**. Don Wilson, Mr. Donald Wilson.

Senator **McGovern**. Is he not a member of the school board, but a resident of this community?

Mr. **Neumark**. He is a low-income person, a parent and a resident of Modesto, and he has been a resident of Stanislaus County for 5 years.

At that point our office helped Mr. Wilson to obtain information from the school board. I should point out at this point the school board, especially Dr. Corona, was very cooperative.

The statistics that came out were very revealing. For example, Dr. Corona tells us that only 170 children were receiving free lunches, although admitting there were 3,000 AFDC children in the district and some more whose family income was at that level but not on welfare. So we had to compare the 170 who were receiving lunches and the 3,000 or so AFDC children. We sat down with Dr. Corona, Mr. Wilson, and other low-income parents. We had a meeting with the principals. The welfare department was at that meeting, and it was a very cordial meeting.

Senator **McGovern**. I was under the impression that it was something over 400 students that had been receiving free or reduced-price lunches. Is the figure 170?

Mr. **Neumark**. The figure during the 1968–69 year was 170.

Senator **McGovern**. And then that has since gone up to something over 400, is that correct?

Mr. **Neumark**. That is correct, but the 400 is still far short of the 3,000 AFDC children.

Senator **McGovern**. I understand.

Mr. **Neumark**. At the meeting of the principals, Dr. Corona, low-income people and the welfare department we all reached agreement that the program was inadequate for various reasons. One was certain red tape that was involved. Second, the eligibility standard was very vague. Dr. Corona at that point agreed to formulate a new program.

On July 21 Dr. Corona presented his program to the school board.[1] His proposal called for the feeding of all children who came from families whose income was at or below the OEO level.

This was acceptable to all parents concerned. They felt that a lot of time had been spent developing the OEO guideline, and that this was a suitable one for Modesto, and it was used for many other programs such as the headstart program in determining eligibility.

At the same meeting—and this is really where the controversy began—although recognizing that all OEO children should get free lunches, the school board said to Dr. Corona, "You've only committed $22,000 to this program, and how many children will that feed?" And the $22,000 in Federal aid plus $17,000 in local money would feed only 400 children. That is how we get the figure 400. So rather than budgeting more money for the lunch program they said "Look, we are only going to feed 400 children and exclude all the rest." They instructed Dr. Corona to come back with an eligibility standard which would exclude all but 400 children.

At the next meeting Dr. Corona came back and recommended the 80 percent OEO. That standard was chosen for one reason, and one reason only, and that is because it excluded all but 400 children from participation in the free lunch program.

Senator **McGovern**. So nobody argued that the 400 figure would meet all of the children who were in need, that it would meet the needs of these children, but it was simply that figure was tailored to meet what was in the budget. Is that correct?

Mr. **Neumark**. That is correct, and the school board was inflexible in changing the amount of money that was in the budget.

Dr. Corona also made it clear at the August 25 meeting that if the 80 percent standard fed more than 400 he would make it more restrictive, such as 75 percent of OEO, or 70 percent, so that they wouldn't exceed the 400 figure.

At that point in time the low-income people came back to us, led by Don Wilson, and asked us "Do we have any rights? Isn't this a violation of the School Lunch Act?" And it was our considered opinion that it was, and we filed a lawsuit on September 2 before Judge Thomas MacBride.

Senator **McGovern**. In your judgment what was the basic reason why the school board decided to withdraw from the program? We will direct that same question later to members of the school board and Dr. Corona, but I would be interested in your analysis of the real reason why the school board chose to withdraw from the entire national school lunch program rather than to comply with the court order.

Mr. **Lowenstein**. The reason given by the board at its March 2 meeting was that they could not afford to stay in the program, and they felt it wasn't fiscally sound.

Now, by Dr. Corona's own figures presented at that meeting the cost of staying in the program would have been $19,000. For $19,000 they could have fed all the children who came under Judge MacBride's order and continued the benefits of the national school lunch program for all the children in the schools.

The school board, by refusing to raise this $19,000, was giving up over $100,000 in Federal aid. But this was the reason they gave.

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[1] See p. 348.

Now, this reason could not have been the correct reason because the next day it was learned that the Office of Economic Opportunity would be willing to provide the $19,000 so that the children of Modesto would have the benefits of this program. This meant that the school board would not have to pay any extra money at all, and they could stay in the program for the rest of the year, feed all the children eligible under Judge MacBride's order, and have a lunch program, a good, solid lunch program operating in all the schools.

Nevertheless, the school board rejected his offer and dropped out of the program. We can only surmise as to the reasons. They have stated they believe that the court was wrong, but they have not appealed from the decision. There has been some personal acrimony.

All I can say is that there is no rational reason for the school board to be out of the program at this time.

Mr. **Neumark**. The reason why it is difficult to determine why they dropped out is because they have been unwilling to speak to low-income people. The procedure that they employed at the school board meeting was specifically calculated to stifle dialog. People are forced to ask questions, and they don't get a response to the question at that point but they are told "Well, when everybody has asked the questions, then we will take them one by one." And what happens at the end is that they issue a brief statement, the same statement that they always issue, and they never get to respond to the questions that people ask them.

For example, when you asked me questions today I don't say "Now, give me all your questions and at the end I will answer them." That is the procedure that the school board used. You see, you say "I have this question," and then, Mr. Katz, you would ask me a question, and then we would pile them all up, and then at the end of the meeting then they would answer the ones that they wanted to. So it has been very difficult for people to have a dialog over why they dropped out. I am glad that Dr. Corona is here, and perhaps he will respond today to their motives.

Senator **McGovern**. Mr. Neumark, is it your understanding of the court order that it instructed the school board to provide free lunches for all children from families below the so-called poverty level?

Mr. **Neumark**. What Judge MacBride in his order stated was that the Modesto board was enjoined from failing to provide free lunches to all children whose income was at or below the OEO poverty level until such time as the board adopted a new eligibility standard, and when the board adopts that new eligibility standard Judge MacBride laid down some very specific requirements.

The most important was that they could not consider their willingness to pay for the program, but must look at the need of the child, the children in the district.

But somewhere, instead of looking at the needs of the children, they looked at their own willingness to fund the program, to the detriment of the needy children in the district, and Judge MacBride specifically held that that was a violation of section 9 of the National School Lunch Act.

Senator **McGovern**. Well, recognizing the argument that I understand has been made by the local school board that they had not budgeted sufficient funds to take care of all of the needs of children at the poverty level, what efforts have you made or your associates made to persuade the school board to reenter the program? What provisions have been offered, if any, as an inducement to the school board to continue participating in the program and to cover students under the free or reduced-price provision?

Mr. Neumark. Well, the only problem that the school board has said that it has for the rest of the year is the $19,000, and Dr. Corona stated time and time again that if they received $19,000 it would not cost local taxpayers 1 cent to stay in. This is the rationale they used at the meeting of March 2. They said "We just don't have the $19,000."

On the following day the Office of Economic Opportunity made it known to the school board that if they would just stay in the program and follow Judge MacBride's order, then the emergency food and medical services would seriously consider granting the school board the $19,000.

Senator McGovern. Mr. Lowenstein, did you make this known?

Mr. Lowenstein. Yes. I might add the negotiating committee of the Citizens To Save the School Lunch Program has genuinely attempted to cool off the situation and to try to get the community and the school board back into communication with each other, and their proposal has been that the school board should accept the $19,000 grant from the Office of Economic Opportunity and get back in the school lunch program so that all elements of the community—the citizens' group with the school board, with our office, with the Community Action Commission and all other interested people in the community—could sit down together and try to work out a good program for the next year, to find out what funds are available, what resources are available. I think that the whole community working together will be able to come up with a very good program for next year, and I think the committee's view has been that if the school board would only come into the program this year, don't have to worry about money for this year, that this problem could be worked out for next year.

Mr. Neumark. In the brief conversations that I have had with Dr. Corona he has complained about the lack of help that he has been getting from the Department of Agriculture and the State department of education. He feels that he has been legally wronged, and I told him that if at any time he felt that the school board was being taken advantage of by USDA or State department of education that California Rural Legal Assistance would be glad to offer its legal assistance to the school board, and if they wanted to we would file suit on behalf of the school board.

Senator McGovern. As a matter of fact, were not some suits filed last year against the Department of Agriculture?

Mr. Lowenstein. Yes, Senator. In connection with the school lunch issue, a statewide suit has been filed by the San Francisco office of the California Rural Legal Association. Hopefully, that will improve the school lunch program in the State on a statewide basis.

In addition, our program has been involved in litigation involving the food stamp programs and the food county distribution program. Of course, all these programs are vital and must work together to solve the hunger problem in the State of California and in the United States.

Senator McGOVERN. Just one additional question, Mr. Lowenstein. You made certain recommendations for changes in the school lunch program. Are you aware that those changes were made in the bill passed by the Senate a few weeks ago?

Mr. LOWENSTEIN. I am aware that changes to this effect have been made. I have not seen a copy of that bill.

Senator McGOVERN. Well, thank you very much. We appreciate your testimony. [Applause.]

Senator McGOVERN. The Chair wants to announce to our guests today in the auditorium that the procedures of the Senate do not permit applause or manifestations of any kind from the audience, and I hope you will respect these procedures from here on out.

The witnesses are to be heard, and whether you approve or disapprove we hope you will keep that to yourselves until after the hearing is over. There will be an opportunity for all sides of this controversy to be heard, but please respect the rules under which Senate hearings are conducted.

We would now like to call to the witness stand Dr. Corona, the superintendent of the Modesto Schools and Mr. E. W. Rose of the Modesto School Board. And Dr. Corona and Mr. Rose, you may proceed as you wish to offer your statement.

MODESTO, CA., *March 23, 1970.*

SENATE COMMITTEE

GENTLEMEN: What the mal-nourished children of the area need far more than a hot lunch is a good, well-balanced breakfast. The body and brain cannot function properly from 8:30 to 12 on an empty stomach.

There are three main reasons why children often go to school hungry or with nothing to eat but bread with gravy made with flour, grease and water:

1. Poverty
2. Ignorance (of the laws of nutrition)
3. Neglect (or indifference by parents)

If children could start the day with a good breakfast, they could get by very nicely at noon with a peanut butter sandwich plus apple, carrot, etc.

A breakfast program should be free for those who cannot pay and reasonably priced for those of moderate means.

If we are going to try to help children, let's begin at the beginning—not in the middle. The body (which includes the brain) is only as good as the food put into it.

Sincerely,

RUTH L. McCLUSKEY,
Realtor and former teacher.

STATEMENTS OF E. W. ROSE, VICE CHAIRMAN, MODESTO BOARD OF EDUCATION, AND BERT C. CORONA, ED.D., SUPERINTENDENT OF THE MODESTO CITY SCHOOLS

Mr. ROSE. Mr. Chairman, Senator McGovern, I am E. W. "Bill" Rose, and I thank you, sir, for the opportunity to appear before you today.

Mr. Cassidy had mentioned that he wanted just a summary of our testimony. Perhaps I will give a short summary and then perhaps read what I did supply in print.

I think I might begin by saying that this has been a very traumatic experience for school board members and administrators because we have a natural empathy for children or else we wouldn't be in this work. Dr. Corona would be a successful business executive in some profit-making corporation and I would be in hard-knuckle politics, so I think that perhaps we have been somewhat naive up till now.

I think I would like to say that this decision was not lightly taken but is only after we have become totally aware of the full magnitude of the assault upon the budgets of school districts. I might outline just a little bit the general situation in the State.

The State level budget, for instance, I think they had the first billion-dollar budget, I think, was in 1951. This year it is six and a half billion. In that period of time there has been a vast expansion of social services, but in the meantime in that 18 years or so the level of support for local schools has gone from nearly 50 percent down to less than 35 percent, and local finance makes up nearly the other 65 percent.

I think that, like I say, the full magnitude of this has come upon us and we were mandated to either institute a seven-fold expansion of the welfare program or get out of the lunch program—we felt that we had no choice. Our local people have been made most angry by this kind of thing because of the very high level of taxes, and with your permission, Senator, I shall now read my statement.

Senator McGovern. You proceed in any way you wish, Mr. Rose.

Mr. Rose. The action taken by the Modesto Board of Education to withdraw from the national school lunch program was not lightly taken. It is the direct outgrowth of a progressively deteriorating financial problem within the school district, and has been done to preserve the local tax base for support of the board's primary responsibility, the educational program. The members of the Modesto Board of Education cannot condone the dilution of its educational resources by committing our community school budget to support an extension of the welfare program.

Local and State expenditures for social welfare services have grown at a phenomenal rate. The high level of competition for the tax dollar has brought about a serious fiscal dilemma for schools in our State. Here in Stanislaus County our current welfare tax is $1.30 for each $100 of assessed valuation. This is the highest in the State of California, and in contrast to a low of 20 cents in Orange County.

Our school tax rate in Modesto is at the level of $6.75 for each $100 of assessed valuation, and an extra levy is being sought from the taxpayers in June of 1970 to raise it 75 cents to $7.50. This will rank with the highest rate in the State.

Progressively the State of California has moved to decrease its percentage of public support of education. Whereas the State at one time assumed responsibility for nearly 50 percent of the cost of local schools, it now contributes less than 35 percent, with the largest part of the remaining 65 percent coming from the local taxpayer. Notwithstanding, the State budget has rapidly jumped to its current six and a half billion dollar level, with a declining percentage of the resources going to local schools.

The Modesto city schools, like many others, have been reduced to the dire extremity of severely cutting programs, increasing class loads, reducing instructional materials, reducing teachers with increased enrollment, and neglecting building care and maintenance in order to remain solvent. A few days ago the teaching staff served notice on this district that sanctions will be applied unless wage demands at the twelve and one-half percent level were implemented.

Faced with an almost unresolvable educational finance problem, the Modesto Board of Education cannot extend itself into the welfare field.

Promises to improve or sponsor programs by outside agencies have in the past produced costly experiences for the Modesto Board of Education. Until such time as continuing and reliable funding of extended programs is guaranteed by law, the board will not risk its community support and resources.

The national school lunch program was conceived to provide a standard of nutritious lunches for all children, and not a single segment of our society. The Federal Government has in recent years employed a battery of social activist lawyers whose apparent job it is to confuse the primary purposes of the legislative intent of these acts and construct a way to expand and shift the fiscal responsibilities of this and other Federal programs onto the backs of local taxpayers. It is the unanimous official action of the Modesto Board of Education that it will not be caught up in this contrived scheme.

As confusing as the issues are, when they are measured in light of the current funding legislation, the outcome is that the property tax for schools would be morally committed to a sevenfold expansion of a welfare program.

There was a well-organized operation sponsored largely by the same people contesting the board's action on the school lunch program to simulate the problem of alleged starvation and disastrous food shortage in Stanislaus County last December. The facts subsequently obtained show that a great hoax was played on the community, and that in reality ample stocks of food were available at the Salvation Army for needy families. Agents provocateur and agitators in the area wantonly slandered the reputation of the hard-working and industrious citizens of Modesto and of all Stanislaus County. It is the feeling of many people that it was a calculated operation planned for the Christmas season to undermine and discredit the principles of Christian charity when, in fact, food was available.

If we are to count on and deserve the support and confidence of the local people for the maintenance of local schools for our children we cannot advocate the charge of fiscal irresponsibility.

We believe that the original legislative intent of Congress was to make available reasonably priced, nutritious lunches to all schoolchildren. If the Federal Government wants to extend and raise the level of welfare programs by giving free school lunches to feed all welfare recipients it must provide the funds on a continuing basis, and the district will serve as the medium of delivery.

Irrespective of what happens, the district and community is continuing to do its best to provide for those youngsters who, to the best of our knowledge, are truly in need of assistance.

Senator McGOVERN. Thank you, Mr. Rose.

I have a few questions here that I wanted to direct to you before we go on, Dr. Corona, if we may.

First of all, Mr. Rose, when you argue, as I understand your statement, that offering a school lunch program to children, to needy children in particular, is essentially a welfare program rather than an educational program, I am wondering how you can make that argument in view of the well-known fact that it is very hard, if not impossible, to carry on the education of a child who is suffering from hunger and malnutrition. How do you really carry on the educational process with youngsters who are thinking more about empty stomaches than they are what is going on in the classroom? We have had testimony from high-ranking school officials in various parts of the country that they don't believe it is possible to carry on an adequate educational program with students who are not adequately fed. I am curious about your response to that.

Mr. ROSE. That, sir, is not a point I would care to argue with. I think that probably is correct, no doubt is correct, but truly we believe that we just cannot let ourselves be drawn further into what has been traditionally a welfare function, because of this tremendous difficulty in which we find ourselves.

We are already cutting back teachers in our educational program, and to expand what has been traditionally a welfare program, we feel that we just cannot, sir.

Senator MCGOVERN. Well, now, Mr. Rose, you stated in your statement that this school district already has a very high level of taxation for educational purposes.

Mr. ROSE. Yes, sir.

Senator MCGOVERN. But what percentage of actual valuation is your assessed valuation in this district?

Mr. ROSE. It is currently 20 percent.

Senator MCGOVERN. Well, how does that compare with the rest of the State?

Mr. ROSE. The State average—don't hold me to this—is 23 or 24.

Senator MCGOVERN. Does that not indicate, then, that your statement is a little bit misleading when you leave the impression that Modesto is somewhat higher than the rest of the State in what they are doing for education?

Mr. ROSE. My statement, sir, was that our education tax ranks with the highest in the State, and the welfare tax as opposed to the lowest is very high indeed, no matter what the assessed valuation is.

Senator MCGOVERN. But setting the level at $6.75 for $100 of assessed valuation doesn't really give the whole picture if the assessed valuation is set at a rate significantly below the rest of the State, does it? Isn't that the point the judge made in commenting on those figures?

It is somewhat misleading to talk about rates of $6.75 per $100 of assessed valuation when the assessed valuation itself is below the State average.

Mr. ROSE. I could speak from personal experience, sir, that it comes out to a pretty high level of taxation. We have complaints from homeowners who have worked hard and been thrifty all their life and raised a family and paid for a home and can hardly afford to live in their own home in their declining years.

Dr. CORONA. Senator, I wish to point out that this is partially offset by a special areawide tax that is required within the district wherein the State apportionments are made to districts on the basis of their assessed valuation. They do require a special weighting, and if you fall below the average you are required to levy a special tax to make up the difference.

Now, this does not do the entire job, but it does bring us closer to the statewide average.

Senator McGOVERN. Well, you have argued in this initial statement—and I want to quote now so as not to be misleading. You say: "The national school lunch program was conceived to provide a standard of nutritious lunches for all children and not a single segment of our society."

Mr. ROSE. That is my belief, sir.

Senator McGOVERN. You believe that to be the intent. Well, how are you going to achieve that by dropping out of the program and confining the feeding only to children who can pay the price that you will have to charge?

Mr. ROSE. Because we have refused, sir, to fund what we feel is an expansion of welfare programs.

MEMBER OF THE AUDIENCE. Right.

Senator McGOVERN. Well, now, we will have to keep the audience in order so we can hear these responses, but I am trying to get at your reasoning here, Mr. Rose, and very frankly is not the effect of the school board's decision to say that you are going to feed next year and for the remainder of this year children who can afford to pay for the program, basically the middle-class and upper middle-class students, but you are going to exclude people who can't afford it. In other words, you are going to exclude the poor children from participation in your program by dropping out, are you not?

Mr. ROSE. In my concluding statement, Senator, I said that we were continuing to feed those children who, to the best of our knowledge, are truly in need.

Senator McGOVERN. Well, but that, as I understand it, represents only those children who come from families where the income is only 80 percent of what we would regard as a poverty income. You are excluding a couple of thousand youngsters who are below the poverty level. Do you really believe those youngsters are adequately fed without a school lunch?

Mr. ROSE. I think that, although I am encroaching on the field of expertise, certainly the school over the years has tried to take care of those emergency situations within families, situations where there is improvident parents, various kinds of things, to make sure, to hold off impending human distress. But certainly I think that where we are asked now to go into an extended welfare program is something that the school budget just cannot handle, because after all we don't have a machine here that prints money. We only spend the money that our people will vote for us.

Senator McGOVERN. Well, now, Mr. Rose, in that connection we recognize that the court order asking you to feed youngsters who weren't covered by your school budget when you started this year may have created an emergency situation for this school year. You have said: "If the Federal Government wants to extend the welfare program by giving free school lunches to feed all welfare recipients it can provide the funds, and the district will serve as a medium of delivery." Well, now, the witnesses that just testified have said that they have offered an arrangement under which the $19,000 that is needed can in fact come out of Federal funds. Why did you turn that offer down if you want the Federal Government to meet the situation?

Mr. ROSE. Because I did make notes, and in my spoken statement I said on a continuing basis, sir. And the reason we turned down the one-shot $20,000 is that we have had some unhappy experiences in the past of funding on educational programs and other things that have provided some very costly experiences, that we got locked into programs and then the funding seemed to wither away, and here we were in the program and no way out except to make a lot of people awfully angry.

Senator McGOVERN. Well, Mr. Rose, let's look at that a little more in depth. You are unwilling to accept Federal funding to finish out the current school year, as I understand it. How do you propose to meet the costs of the school lunch program next year when you are cutting yourselves off by dropping out from some $300,000 or more in Federal funds that are now coming into this school district? How do you propose to meet that situation in the coming school year? Who is going to replace that $300,000 in Federal funds or perhaps more than that that you will lose by your decision to drop out of the program?

Mr. ROSE. I will turn that over to the technical expert, Dr. Corona.

Senator McGOVERN. Dr. Corona, do you want to respond to that?

Dr. CORONA. There will not occur in the district a complete loss of these funds. We will still be entitled to receive section 32 commodities, which comes to roughly 9 cents per lunch.

Senator McGOVERN. That wouldn't be true if the bill that has just passed the Senate is accepted in Congress.

Dr. CORONA. This is very true, Senator, but if that law is passed it will also provide some of the answers to the problems that confront us right now and there will be an ongoing commitment to support this program that would be in response to our request at this point.

All I can say, that in terms of the laws that we must live with right now these are the facts. If you change the laws you change the conditions, there is no question about it.

One of the reasons why we are here meeting with you is to bring focus on the urgency and necessity of doing something about this. Now, if I can continue——

Senator McGOVERN. Just before you leave that point, though, Dr. Corona, let's assume that we continue under the existing Federal program and you do continue to draw commodities, surplus commodities. What is your rough estimate as to the loss in Federal funds that you will incur by dropping out the national school lunch program for the balance of this year and for the coming school year?

Dr. CORONA. Let me look at it in terms of the year as a whole. We will lose the section 6 commodities. Now, last year it was about $25,000. Currently it is about $40,000. That is at the current rate. So that is roughly 4 cents a lunch. We serve 1 million lunches. We will lose that.

We will also lose Federal assistance. This is actually at the $19,000 level this year. Although we had originally received an allocation of $34,000, this was cut back.

We will continue to obtain section 32 commodities, and in lieu of the 4-cent reimbursement for lunches we will get 3 cents for milk. So in essence we are losing 1 cent in differential, or roughly 5 cents at the present time.

Senator McGOVERN. Well, I am still not clear, Dr. Corona, on roughly what you think it is going to cost the school district in the loss of Federal funds if the program doesn't change and if you continue to drop out of participation.

Dr. CORONA. As I have indicated to you, the average problem will be roughly 5 cents per lunch is what we are talking about, based on current laws.

Senator MCGOVERN. I had seen figures indicating that you would lose by dropping out some $150,000 in section 11 funds and $200,000 in sections 4 and 5.

Dr. CORONA. This is not true, sir, and I will challenge your figures.

Senator MCGOVERN. Can you give us just a rough total figure that you think will represent the loss to this school district in the coming school year if you are not participating in the national school lunch program, because I think that is important to you and it is important to the people in this community, to know what Federal funds are to be lost by this decision if the board stays with it.

You understand the committee is not here to punish anybody but try to get at the facts of this so we can straighten out this situation if it is possible to do it.

Dr. CORONA. I realize this, and I realize it is a very complex thing.

We will lose our title 6 or section 6 commodities, $40,000. That is 4 cents a lunch.

We will lose 1 cent per lunch served, which is $10,000. That is $50,000.

We will lose our special assistance, which this year came to $20,000, roughly $20,000.

You are talking about right there $70,000.

Now, the question, of course, is how much Federal assistance would we really have been able to use? We had an original allocation of $34,000. We felt with the restraining order that was placed against the district we could not expand our program, and therefore ended up spending only $19,000, which meant a loss from the original allocation of some $15,000.

Now, this is a point that I had planned to bring up earlier, and it is a part of the complexity of the situation.

Senator MCGOVERN. Can you tell us, Dr. Corona—I didn't intend to get into this line of questioning with you, but either you or Mr. Rose—I am still not clear on why the turndown on the offer of $19,000 to cover your needs this year. It seems to me that is a contradiction to the statement you made, Mr. Rose, that the Federal Government bears some responsibility.

Now, you know we have legislation pending in the Congress now that has cleared the Senate to provide additional funding. Action could very well come in the House. But here is an offer to meet the situation for the balance of the school year where it wouldn't have cost the district an additional dime, and I can't quite understand why that offer was turned down if you are really sincere, as you doubtless are, and your contention that the Federal Government ought to do more to fund these programs.

Mr. ROSE. The reason, Senator, I stated was that going on promises of programs to come as being hardened into law have provided very costly experiences for us, and for us to accept this $19,000 and expand, have a sevenfold expansion of the present program and then not have continuing support, we would have morally committed our tax base, sir, to this program, and that is something that we are unwilling to do until there is some continuing funding hardened into law.

Senator McGovern. Mr. Rose, there is one matter that has been puzzling me about the strategy and the tactic that the board followed with regard to this controversy. Why were you unwilling, as contended here, to enter into a dialog with the people in the community that were concerned about the loss of this program? Why have you not met with the negotiating committee of the citizens to save the school lunch program? I can understand why differences might develop, but it is very difficult to understand why there hasn't been a more satisfactory dialog between the school board, which after all was created by the citizens of the community, and those citizens who feel it is a mistake to drop out of the program.

Mr. Rose. This, Senator, has built up over quite a period of time. To really give you the atmosphere of what has gone on at our board meetings, I cannot place it precisely, but it must be nearly 2 years ago—on toward 2 years ago, I can't place it precisely—when the CRLA attorneys and a substantial portion of the same people we have on this issue today separated out a Mexican-American youth from one of our high schools and brought him in to challenge the dress code rules of the board of education. This was the beginning of the kinds of harassments that our board has been subjected to for nearly 2 years. And so we get into these kinds of things, and what was really going on here, Senator, is people looking for an issue. And so they keep hunting an issue, and harassments no end, and worrying about expulsions, and all sorts of things, but then an ever-rising tide of difficulty of dealing, with keeping open the public meetings.

There were periods last April when we had to have the police present so that we could conduct a legally constituted public meeting, sir, and it was this kind of harassment to which we had been subjected that finally we had to set up a parliamentary situation in which the board could try to even conduct a legally constituted public meeting, sir.

Finally, to cap it off, we were driven out of our meeting place.

Senator McGovern. Why wouldn't it have been a good idea for the board to have sat down with members of the negotiating committee, the citizens that were concerned about saving the school lunch program? It seems to me this is a way we do things under a democracy. This is a group that supposedly speaks for those parents and other citizens that are concerned about preventing the loss of the school lunch program. They named a negotiating committee to speak for them. The school board apparently takes a different view, but why couldn't those two groups have gotten together across the table and talked to each other?

Mr. Rose. Yes, Senator, this was suggested here a few days ago, that two members of the school board, which is less than a majority of five, meet with the group. As recently as two and a half weeks ago in a local newspaper there was a very stirring editorial attack on the city council for subcommittee government and closed door government, and this is something, sir, that we are not about to participate in.

If we cannot meet with the people at regular stated public meetings we shall not meet at all.

Senator McGovern. So that you have no plans in mind to meet with the negotiating group?

Mr. Rose. Not the board, sir. The superintendent has been meeting and shall continue to meet, but we will not participate in closed-door meetings or closed-door government.

Senator McGovern. And yet you say that the public meetings are not manageable either.

Mr. Rose. Well, this last one became totally unmanageable. The one before was just barely manageable. Our lady president was just barely able to contain the meeting.

Senator McGovern. Well, it seems to me a very strange situation that with the health of little children involved that the elective representatives of the school board and the group that has been named, that is the negotiating group that has been named to represent a rather sizable group of citizens in this school district, that they can't get together either in public or in private to talk about this very serious problem. I don't understand that kind of procedure.

Mr. Rose. These discussions have been continuing with the superintendent, Dr. Corona, sir.

Senator McGovern. You are willing that he would meet with the negotiating group?

Mr. Rose. Yes; but a subcommittee of our board will not meet in closed door session with anybody. Like I say, we will not open ourselves to that kind of attack which the local city council was recently subjected to.

Senator McGovern. I will ask one more question, Mr. Rose, and then we will turn to Dr. Corona's statement. We have some questions we want to direct to the superintendent.

Do you really think it is fair to use Federal assistance, which you now propose to do, to feed children who can afford to pay for lunch, continue to take these Federal commodities, and yet not use available Federal funds and the special assistance funds which I understand are available from the State to feed poor children who cannot afford to pay for these lunches? I am really puzzled as to the distinction you draw between the kind of a welfare program that provides Federal funds to make lunches available to children that can afford to pay the price that you are charging and yet you seem to have some blockage about using the available programs to feed poor children, or even to take advantage of available special assistance funds which the State of California is willing to make available to you.

Mr. Rose. At the beginning, sir, Senator, sir, I stated that perhaps we were somewhat naive, being school people with our natural empathy for children or else we wouldn't be in the work—I am currently in my 10th year as trustee, trustee experience in this rural district—and the real problem is this, sir, that we were going along funding what we felt we could and where was dire need, and then if we are to fund a sevenfold expansion of welfare programs we will have, with the camel's noses only in the tent, the whole camel will have come in, and the county board of supervisors down here—another point I might say in connection with this, the court stated that the ability of the district's real problem is this, sir, that we were going along funding what we felt that the county board of supervisors is on, that when word comes down from on-high to hire more welfare workers or whatever it is, to jump, all they can do is to ask how high, and we are not going to get on that treadmill, sir.

Senator McGovern. Yet you would be willing to participate in that kind of program if the funding came from the Federal Government?

Mr. Rose. Yes, sir. We would serve as a medium of delivery, sir.

Senator McGovern. Dr. Corona, we will proceed with your testimony now.

Dr. Corona. Yes. I would like to read the statement in light of the fact that it probably is somewhat restricted in circulation. I think for the benefit of the audience that it would be respectful to them to do such.

I believe that the Senator's observation in the opening of the meeting here was proper in that he drew to our attention the fact that we are attempting to devise a program, a nutritious lunch program, for all children. He also pointed out to us that this is a nationwide problem, that the current issues of reviewing the national school lunch program grow out of the fact that it has been in operation for many years and has not achieved the goals that possibly some originally had expected.

I would like to point out, too, that maybe in the original formulation of this bill the goals of those few people were not really implemented in law.

I am going to read the statement and then comment briefly on some of the elements that I feel are critical, also to point out to the Senator what I feel to be some things I think the Federal Government should give consideration to.

On Monday, March 2, 1970, the board of education of the Modesto City Schools took action to terminate its voluntary participation in the national school lunch program. Subsequently notification was forwarded to James Hemphill, supervisor of food services of the California State Department of Education, and a withdrawal date confirmed.

This action was taken following a series of events that have occurred during the past year. Processes observed during this period of time have been public discussions and indirection, program reappraisal, attempted program revisions, judicial restraints, court trial, and finally, program termination.

The steps are cited as evidence that the Modesto City Board of Education conscientiously and in good faith attempted to remain with and to implement the national school lunch program within the boundaries of reason and sound fiscal responsibility.

The position of the Modesto City Board of Education can be set forth as follows:

First, the National School Lunch Act was not designed as a supplement to the welfare program but rather was enacted to help make available nutritious lunches for all school children. As a condition to participation in the program, the district assumed a responsibility for providing free or reduced-price lunches for those children who, in his judgment, were least able to pay.

The court's ruling that the criterion of need must be set irrespective of the cost to the district is unrealistic and fiscally irresponsible.

By using the method of increasing the price of each paid lunch in order to raise the funds to pay for free or reduced-price lunches places the burden of the program on the participants, which, in this district, is currently about 47 percent of the student enrollment. Higher prices also reduce the participation, and the resulting total reimbursements for the lunches served will drop.

It further denies all children the advantages that have been legislated for them the national school lunch section 32 and six commodities and section 11 reimbursements. It must also be recognized that districts not participating in the national school lunch program are entitled to milk reimbursements as well as section 32 commodities.

I would like to point out as a sideline that this item of milk program was debated rather extensively in the Senate and in the Congress last year, with the consequent restatement of the issue that this program would not be tied in with the national school lunch program.

Fourth, the District Court ruled that the Board of Education must abide by a 100 percent OEO poverty guideline criterion for the basis of determining those eligible for a free or reduced price lunch until such time as a new Modesto scale can be developed. This must be satisfactory to the State Department of Education and the Department of Agriculture.

The CRLA attorneys have taken the untenable position that the court ordered full free lunches for all children coming from families below the 100 percent OEO level, and the board contends that its original proposal was essentially in compliance with the edict of the court, and that deliberate attempts to confuse the issues have precluded the orderly implementation of this program.

The district has attempted to identify those students who truly need assistance. It is currently providing free or reduced prices for approximately 460—and this is an average—students. Our peak had actually hit close to 600.

I might parenthetically say here too that in addition to this we are providing for in excess of 500 earned lunches. Many of these youngsters come from these areas of need. It will continue to provide for such students as long as they need help.

The extension of the free lunch program to all welfare students at or below the 100 percent OEO level will call for a sevenfold increase in the district's program, and under current financing will call for an expenditure of district funds estimated to be in excess of $60,000. This would be in light of a very serious financial problem in the district which has already called for severe cutbacks in the educational program.

Senator McGOVERN. In that connection, Dr. Corona, if that $60,000 were forthcoming in Federal funds, or let's say a major part of it, would it be your recommendation that the school district stay in the program?

Dr. CORONA. Yes, sir, it would be.

Senator McGOVERN. So it is really just a matter of whether the Federal Government is going to provide additional funds.

Dr. CORONA. Or the State, and in actually sound, adopted law. You made reference to the fact that the State had funds. We applied for State funds. We got nothing.

Senator McGOVERN. Well, hasn't Mr. Hemphill's office advised you there was some additional $47,000 in the special assistance funds that were available if you simply asked for it?

Dr. CORONA. Let me come to that in a moment. I would like to finish my statement.

Senator McGOVERN. Go ahead and finish your statement. We will get back to this.

Dr. CORONA. The current program of Federal assistance under the national school lunch program has operated to the disadvantage of the Modesto city schools. Being a district with fewer than 20 percent AFDC students, pupils—and this is the standard that has been used to determine eligibility until very recently—consideration for assistance has been restricted to only those students in our eight target school areas. At least a third of our AFDC students reside in other areas of the district and could not be counted for purposes of fund allocation. The number of AFDC schoolchildren currently in the district is now in excess of some 3,700.

The Community Action Committee of Stanislaus County has reported that upon the request of the board of education that the Office of Economic Opportunity will appropriate up to $20,000 to meet the district's costs in the application of the 100 percent OEO scale for the balance of the school year. This was not approved by the board of education because it was intended to lure the district into the implementation of a criterion of eligibility not acceptable to the board of education. The grant was to be a one-time appropriation without any assurance of continued funding by those agencies responsible for welfare programs.

The demands being made upon the Modesto City Board of Education called for an extension of its activities into an area of welfare that it does not have either the resources to fund or the encouragement of its community to support. In our judgment the request goes far beyond the intent of the national school lunch program. The district court has trespassed upon the authority of the local agency by arbitrarily setting a need criterion in directing compliance irrespective of fiscal consequences. The court ruling in itself has introduced confusion and uncertainty in the entire matter.

The district will administer an extended free lunch program for welfare students if those agencies responsible for paying the costs provide the funds on a dependable and continuing basis. In the meantime, if this matter cannot be resolved within the principles set forth by the board of education, the district has no choice but to go in the direction it has chosen.

Regardless of the outcome, the district will continue to provide for those students who, in the board's judgment, need assistance.

Senator McGovern. Dr. Corona, before I get into some of these other matters, in the next to last paragraph of your statement you say:

> The district court has trespassed upon the authority of the local agency by arbitrarily setting a need criterion in directing compliance irrespective of fiscal consequences. The court ruling in itself has introduced confusion and uncertainty in the entire matter.

Now, if that is your judgment, that the court was out of line in that ruling, why haven't you appealed it to a higher court?

Dr. Corona. The appeal consumes considerable amount of time. We have already expended time of personnel. I personally sat with three of my staff members for 9 days in the court hearings. We have had depositions, we have had costs of our attorneys, and the board of education felt that this issue was much broader than an appeal, and that fundamentally we had to take a position at the present time to bring into focus the seriousness of it and to also protect the district, because to abide by the court's ruling, which we would have to do, would require at this time that we would have to move into the program, the OEO 100 percent program, and this is the point that I made reference to earlier. We have been informed that if we did anything else other than a 100 percent free lunch program at this level we would be hauled back into court.

I would say that kind of confusion, uncertainty, the urgency of the matter caused us to move to drop this program, pledging ourselves to commit it and making the necessary adjustments.

Senator McGovern. It just seems to me, Dr. Corona, if I can pursue that a little further, that you are a person that I know endorses legal procedures and orderly process. If you are convinced, as you appear to be, that the judgment was in error on the criteria that he set in requiring that you feed all youngsters below the poverty level a free lunch, I don't know why you didn't simply instruct your county attorney, whose services presumably are available to the school board, to appeal that to a higher court.

Dr. Corona. My response there is that the resolution, the correction of this matter rests not with the court. It rests with our legislative bodies, the Congress and the legislature of the State of California. Here is where the ultimate solution, the ultimate resolution of this problem rests. We could go through the courts and get a clarification of this point, but that would not solve the ultimate responsibility.

Senator McGovern. Mr. Rose?

Mr. Rose. If I may also answer, the Superintendent did this at the direction of the board, sir, because our county counsel informed us that appeals would be quite costly. We were pressed for money, and frankly there was a widespread feeling in the community that in this and many other matters the Federal Government finds it much cheaper to fund attorneys very liberally to come out and attack local agencies rather than supply the funding for programs they so ardently seem to desire.

Senator McGovern. Well, now, let's pursue this whole matter; I've got several questions, Dr. Corona, that I think will become clear and will sharpen this issue as we move along.

First, what is the effective date of the Modesto board's withdrawal from the program. When did you actually move out of participation?

Dr. Corona. Well, the date that was on Mr. Hemphill's letter was April 13, but we have since been informed that this was an improper date. It should have been March 13. A 10-day notice is required.

Senator McGovern. So that March 13 is the terminal date, and from that date on you are officially out of the national school lunch program.

At that time had you stockpiled section 6 commodities?

Dr. Corona. We did not stockpile, but prior to that time an order in the normal order of events had been placed, and we had a delivery just a few weeks or a few days prior to the termination, but there was no planned, coordinated relationship here.

Senator McGovern. Have those commodities which you had in reserve been returned to Mr. Hemphill's office?

Dr. Corona. I am not sure about this. We have not had any correspondence to that effect. It may be that they have been consumed already. I am not sure.

Senator McGovern. Are you aware that under Federal regulations you are required, if you are not participating in the program, to return those commodities?

Dr. CORONA. I understand there is to be an audit made and there would be an agreement on those to be returned, yes, sir.

Senator MCGOVERN. Well, now, how many free lunches have you been serving, Dr. Corona, since you withdrew from the school lunch program? Has there been any change in the number of youngsters being fed, and if so, what are the figures?

Dr. CORONA. The count is roughly averaging around 440 now, 450. We did hit a peak in the pre-December area of around 580, I believe, and then it began to level off. As I indicated, we are serving in excess of 500 students on earned lunches. This is those youngsters working in the cafeteria for their food.

Senator MCGOVERN. When you talk about a sevenfold increase in the program if you had complied with Judge MacBride's order, am I correct that you are estimating that some 2,800 children would have to be fed, and that would have cost you somewhere around $19,000?

Dr. CORONA. Yes. This is in conjunction, Mr. Hemphill pledged that he would provide a 25-cent reimbursement for free lunches or reduced-price lunches served, and this was a part of the computation.

Senator MCGOVERN. In other words, when the Office of Economic Opportunity offered to provide that money, that $19,000, if you had accepted that it would have provided at least for the balance of this school year the funds you need to meet the court order?

Dr. CORONA. That is correct.

Senator MCGOVERN. So regardless of what the argument is on principle, the net effect of turning down that offer was really to exclude something over 2,000 children from poverty level families that otherwise would have been fed at Federal expense.

Dr. CORONA. Well, the word "exclude" or to encompass within a given program.

Senator MCGOVERN. But it did exclude them from the balance of this year?

Dr. CORONA. That's right. In other words, those youngsters within that category would have been made eligible had the program been changed, yes.

Senator MCGOVERN. Now, Dr. Corona, what will be the practical impact in terms of your feeding program of dropping out of national school lunch support? What does that do in terms of what you have to charge the students, the quality of the program, the cafeteria program? What are we talking about here in terms of the quality and extent of the program you are going to be able to operate and the cost of that program to the individual student who participates? Somewhere we are going to have to make up this Federal money.

Dr. CORONA. First of all let's look at the high school district. We have a level of participation at about 14 percent factor, which means 14 out of every 100 youngsters actually use the type A lunch.

We will move to discontinue this type A lunch program. Now, we are not going to shut our cafeterias down, as has been discussed by some, but we will, in lieu of this, provide some hot dishes that youngsters may have.

Senator MCGOVERN. To clarify that, do you think it is fair to say that the nutritional quality of those lunches will have to be reduced somewhat?

Dr. CORONA. Well, there will be no type A lunch. This is the lunch that is specifically prescribed, that must be served at the high school level. But there will be other foods, but they will be on an a la carte basis, and obviously will be more in line with the type of demand placed by the high school student.

Now, in the case of the elementary district, adjustments will have to be made. As I indicated, there will be increased cost in terms of the commodities of foods that we have to buy. This is estimated currently at the 5-cent level.

Senator McGOVERN. That you will have to increase that cost?

Dr. CORONA. That's right. This is very possible. At the present time the board has taken a position we will not increase the lunch price immediately, but we want to watch very carefully because we have introduced some changes in the operation, and it does affect the quantity of food that is to be served.

Whereas the National School Lunch Act requires the serving of a second, this will not be done in some foods, the more costly foods. We will have to restrict this, but there will still, in our judgment, be ample service.

The number of foods prepared will be cut back. Probably for the comparable Modesto type A lunch now there will be only five items that will be a part of the program.

So there will be some economies that will be introduced, primarily those that we will get cutting back labor, so that we can offset the cost to the best of our ability.

Senator McGOVERN. Dr. Corona, I think every citizen in this country appreciates the school financing problems that confront school boards and school administrators. I must say that I am having increasing difficulty understanding this decision that is going to cut you off from available Federal funds, which seems to me to be all the more inexplicable in view of the financing pressures that you say here with reference to this school district.

Now, if it is true, as you have estimated, that you may have to raise the prices of these school lunches without Federal support some 5-cents for each lunch—and I would say that is a conservative estimate without Federal support—why couldn't you have taken that same procedure to finance the program for free and reduced-price lunches? My understanding is that the estimate was that with another 3-cents added to the program you could have financed the program for free or reduced-price lunches and stayed within the program.

Dr. CORONA. I believe it would be ultimately more than that.

The issue is at hand. The principle is at stake, how much of a commitment are we going to make? And I think it comes right back to the fact that the Congress and the legislature of California also recognize that they are guilty, too, in having failed to meet its responsibilities, and I think this is a direct testimony to the fact that the Senate passed a bill which would correct most of the problems. However, it is not through the lower house. It has not attached to it a funding bill.

The very fact that assembly bill 318 in our own legislature now submits a plan wherein the legislature will contribute money—this is in contrast to what the Governor did a year ago, and also would contribute significantly to the improvement of program—suggest that all parties have a place in trying to come up with a resolution of this.

And we want the answers on the table. This is our objective.

Senator **McGovern**. You understand that no one on this committee thinks that Modesto is the only school district that is not doing an adequate job on the school lunch front. I think it is an outrage that 90 percent of the poor children in the State of California are not fed a school lunch. I don't understand that kind of sense of public responsibility.

Dr. **Corona**. And I think it would be fair, Senator McGovern, to point out that Modesto schools have been doing much better than an average typical district in the State of California, and why we have been made the scapegoat on this thing bothers me, yet it is the issue.

Senator **McGovern**. The reason that this issue is under consideration here is because court action has been taken by the citizens of this community, and they have brought it to the attention of the school district and of the country.

Now, let me go back to this matter of why you dropped out of the program, which, as I understand it, basically centers around your feeling that you can't finance the kind of a program that Judge MacBride asked you to carry out.

Dr. **Corona**. That is not true. We could finance this. We could go out and levy a special tax and raise the money to do it, but the board has said the principle is where does the responsibility of this program lie, and that is the issue.

Senator **McGovern**. Let me put it this way. Is it not substantially an accurate statement to say that by dropping out of the program you are going to have to raise the price of these school lunches 5-cents per lunch. If you had stayed in the program, under the order of Judge MacBride, you could have financed a school lunch program for all the students, including the poor students, simply by raising the price 3-cents per child? In other words, you are putting yourself in a position are you not, by dropping out of the program, where you have got to increase the cost of this program to the students more than you would if you stayed in?

Dr. **Corona**. Let me say, too, that the Congress and the State legislators have a roll in this, too. They could help us stay in by taking the affirmative action that would give us the wherewithal to continue this program.

Senator **McGovern**. No one feels that any more strongly than I do, Dr. Corona. I happen to be the principal author, along with Senator Javits, of the new School Lunch Reform Act, which passed the Senate. It is Senator Talmadge's bill, but we amended that bill along the lines that were recommended here by Mr. Neumark a while ago, and if that measure does pass the House of Representatives there will be adequate Federal funding, but I think we have an emergency situation here which I am at a loss to understand why the board hasn't moved to meet by taking advantage of this offer of the OEO to help you out temporarily.

Dr. **Corona**. I wonder if the community notices too that the recommendations made by Mr. Neumark would mean that if we decided not to go back in they would lose milk and commodities, isn't that correct? In other words, you are actually putting in a real force and punitive measure as far as the program is concerned.

Now, I have not seen the bill, and I am not highly conversant with it, but this is the statement that has been made.

Senator McGovern. Dr. Corona, we want to thank you and Mr. Rose for your testimony here, and we appreciate your time.

Mr. Rose. Thank you, Senator McGovern. We appreciate the opportunity to appear.

Senator McGovern. Now, the next witnesses that we would call are a panel of four gentlemen: Mr. Frank O'Brien, Mr. Don Wilson, Mr. David Talamante, and the Reverend Jack Takayanagi.

Will our guests be in order now so the witnesses can be heard. We will start with Mr. Frank O'Brien.

STATEMENT OF FRANCIS E. O'BRIEN, REPRESENTING THE WELFARE POOR AND THE WORKING POOR

Mr. O'Brien. Thank you, Senator.

Senator McGovern. Mr. O'Brien, would you identify who you are for the committee record?

Mr. O'Brien. My name is Francis O'Brien. I live in Modesto. I have lived here for the past 15 years.

Senator McGovern. Can you speak a little closer to that microphone? It is a little hard to hear.

Mr. O'Brien. I am Francis O'Brien. I have been a resident of Modesto for the past 15 years. I am a teacher at Riverbank High School, Riverbank, Calif.

I come before you as a concerned parent. I am concerned as a teacher, and I am concerned as a human being.

The debates over this lunch program that began last May prompted a group of people to form what is called the citizens to feed hungry children. This group has been before the school board, has been in attendance at school board meetings, and has formed a sheet of facts, a summary report that I would like to also submit to your committee on facts about Stanislaus County and facts about the hot lunch program in the Modesto city schools.

(The summary report follows:)

Citizens To Feed Hungry Children Summary Report—Hot Lunches for Needy Children

1. Approximately 4–6,000 children in Modesto Schools from families living at poverty levels need free school lunches.
2. Modesto School Board committed to free lunches for only average of 400 children daily through Federal, State, and small amount of local funds. How many children will go without hot school lunches—their chance to learn?
3. Children's I.Q.'s grossly affected by poor nutrition. Performance rate in school increased by school lunch program.
4. Stainislaus County received Federal grant from emergency food and medical needs based on study showing county second highest in State in incidence of malnutrition/starvation.
5. Working poor and families receiving aid simply cannot provide sufficient nutrition. Welfare grants provide bare existence based on 1957 living standard. (Mother and four children receive $263 per month in Stanislaus County).
6. "Bureau of Budget established, preliminarily, that for *every dollar* we save by failing to eliminate hunger and malnutrition it costs our nation $3.30."

BREAK THE POVERTY CYCLE WITH HEALTHY CHILDREN

How many children will you help?
$7 buys lunches for one child for one month.

Mail contributions to: Citizens to Feed Hungry Children
P.O. Box 3934
Modesto, California 95352

Make check payable to: *Modesto City School Board, Free Lunch Program.* Your contributions are tax deductible.

References:

1. Dr. J. Churchill, Wayne State University, *Current*, Jan., 1967, Judith Randal
2. Breckinridge and Vincent Study, *Current*, Jan., 1967, Judith Randal
3. Stanislaus County Community Action Commission, 1317 I Street, Modesto, Calif.
4. Stanislaus County Welfare Department figures
5. Senate Committee (McGovern) report The Food Gap: Hunger and Malnutrition in the United States.

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1. 3,218 households in Modesto have yearly income less than $3,000 according to Special Census September, '68, Modesto (18% did not respond to questions).

In Stanislaus County 35% residents earn less than established federal poverty level (1960 Federal Census).

25% of the people in this county were on welfare or unemployment insurance in the winter of 1968 (County Welfare sts).

Nearly 3,000 children in Modesto City Schools out of 20,000 were from families receiving aid (County Welfare figures).

Estimate 4–6,000 children in Modesto schools from families living below poverty level.

Welfare rolls in Stanislaus County show case distribution (Figures from Stanislaus County Welfare Department).

June, 1969—26,605 persons

Case distribution:	
Aged	6, 472
Blind	215
Disabled	2, 690
Total (persons)	9, 377
Family Cases	4, 684
Children	12, 544
Total	26, 605

Family Cases:
Aid to Dependent Children, 3,209 cases w/8,492 children.
Families with unemployed parent, 858 w/3,094 children.

Only 3.2% of the County cases are unemployed parents capable of working. This number drops 50% in the summer.

2. The National School Lunch Program subsidizes nutritional class A lunches for *all* children by cash and surplus commodities. In 1968–1969 Modesto Schools received approximately $228,282 worth in cash and commodities from NSLP. This subsidy allows schools to offer lunches at reduced price. Yet even reduced price lunches are too expensive for poverty level families.

2. U.S. Department of Agriculture stipulates if district participates in the NSLP the district must provide "Free or reduced price class A lunches to all needy children in the district." Each school district defines what is needy in their district. Modesto School Board adjusts their definition of "needy" to coincide with the amount of money they can use for free lunches. (The Committee feels all children from poverty/Welfare level families should have a free lunch.)

Funds for Modesto City Schools Free Lunch Program, 1969–70:

Local funds budgeted	$7, 000
Federal Special Assistance funds (Actual amount decided when President signs bill)	34, 000

Possible sources more money:
Federal funds: District entitled to additional funds if more than 20% of children are from welfare families (last year 17+%).
Local funds: Increase tax override—Board unwilling to discuss.

Increase lunch price 5%—lunch should still be subsidized.

State funds: * Moscone Bill passed both houses authorizing State contribution to local districts of 5 million. Governor Reagan signed bill, then CUT funds to $500,000, entire State.

California is the third LOWEST in the Nation in State participation, and very low also in State contribution to lunch price.

	Percent
Louisiana provides	36
South Carolina	4.3
New York	20.9
California	*

("Their Daily Bread", a study of National School Lunch Issue by National Women's Group Coalition)

3. ". . . At least one study in this country, in which other economic and social factors were controlled, has established a direct correlation between undernutrition in infancy and stunted physical and mental development in preschool years."

(Senate's Committee report on the Food Gap: Hunger and Malnutrition in the U.S.)

"Hunger and malnutrition take their toll in this country in the form of infant deaths, organic brain damage, retarded growth and learning rates, increased vulnerability to disease, withdrawal, apathy, alienation, frustration, and finally *violence*." (Benjamin Mays and Leslie Dunbar, Co-Chairman, Citizens Board of Inquiry into Hunger and Malnutrition in the United States)

Ten days after the start of school lunch program the achievement scores in math and reading jumped 7 to 10 points. Ten days after the lunch program was discontinued the scores dropped to previous levels. A hungry child does not and cannot learn up to his potential. (A study by Breckinridge and Vincent, Current Magazine, Jan., '67, Judith Randal)

"Protein-Caloric malnutrition results in: (1) slow growth; (2) general failure to thrive: (3) apathy begets apathy. This kind of malnutrition is always associated with too little to eat and subsistence on carbohydrates." (Does Hunger Reduce Intelligence?" Judith Randal, Current, Jan., '67)

Survey by Adult Education at MJC of caseload in this county of fathers whose children receive welfare payments:

86% had not completed high school
53.6% had not completed grade school
25% had not completed fourth grade

Children of the unskilled and uneducated workers are 3–4 years behind their age group. **This lack of education is passed on from parents to children and forms an inescapable trap of poverty, hunger, and poor health.**

4. "The mind rejects the evidence that innocent children can and do starve in this abundant and fruitful of all nations." **(Senator Joseph Clark, Progressive Magazine, October, 1967)**

Based on a study showing Stanislaus County second highest in the state in **incidence of malnutrition and starvation, the CAC received a grant of $51,000 in April, 1969, for Emergency Food and Medical Services through March, 1970. More than 6,000 families have been helped by this grant on an emergency basis through September 1, 1969.**

The CAC orders groceries, including meat and milk, wholesale, and runs a small store-type facility in Ceres, which dispenses the food allocated by CAC staff to needy families. Families come to the CAC or are referred by another agency, and they may make return requests if there is a need.

(Stanislaus County Community Action Commission)

5. WELFARE GRANTS IN CALIFORNIA ARE BASED ON THE 1957 LIVING STANDARD. Living costs have risen 25% in the last 10 years.

Stanislaus County—Mother & Father, and two children in school and one child at home:

Food	$137.50
Rent	50.00
Utilities	13.60
Educational Incidentals	2.75
Clothes	53.65
Household Operations	13.25
Transportation	5.00
Personal Needs	3.75
Recreation	3.75
Total	283.25

But family gets only $239 per month. (May earn $43.75 in addition without affecting their grant.)

Surplus food previously available in our county to low-income families is excluded by the food stamp program.

The food allowance appears the most flexible in the welfare budget so it must be used to make up the difference between actual rent costs and the 1957 level rent allowance.

Food Stamps redeemed by the government allow the poor to buy more food for their dollar. However, the inflexibility of the program regulation that the welfare family converts 80% of their food budget into stamps means many families cannot afford to use the stamps. They are forced to use part of their food money for rent. County Welfare Officials estimate that at present only 20% of the eligible families are using the stamps.

Even with the best possible management the poverty Welfare budget could not provide the nutritional quality of the Class A school lunch served in the Modesto School cafeterias. There simply isn't enough money in the poverty welfare budget.

Middle-class people across the nation have taken part in "Live on a Welfare Budget Week" Program this summer. Among them was Senator Mondale of Minnesota and his family. His wife said about the family's week, "The diet was bland, tasteless and monotonous. I had breakfast in the morning and I was hungry at 10: I had lunch and was hungry at 3. I was hungry and had to fill up on starches so I gained two pounds."

6. "The economic and social cost to our society—the loss of productivity and work capacity, the costs of disease and mortality . . . in short, the costs of blighted lives are also the inevitable results of hunger and malnutrition. These costs can be calculated in economic terms. . . . The Bureau of the Budget estimates, preliminarily, that for every dollar we save by failing to eliminate hunger and malnutrition it costs our Nation $3.30". (Senate's Committee Report on the Food Gap . . .)

SOURCES FOR FURTHER INFORMATION

1. *Current Magazine*, Jan., '67: "Does Hunger Reduce Intelligence?"
2. Progressive Magazine, Oct., '67: "Starvation in the Affluent Society" by Senator Joseph S. Clark.
3. *Their Daily Bread*, A Study of National School Lunch Issue by National Women's Group Coalition, Florence Robin Direcot (Committee on School Lunch Participation, Suite 2030, Columbus Circle, New York, New York, 10019).
4. Senate's Committee Report the Food Gap: Hunger and Malnutrition in the United States.
5. *The Poorhouse State*, The American Way of Life on Public Assistance, New York, Patheon Books, '66.
6. *The Poor Pay More*, David Caplowitz, Free Press, New York.
7. *The Other America*, Michael Harrington, Penguin Press.

Mr. O'BRIEN. If I may just digress from what I have written down here, this fact sheet states that between 4,000 to 6,000 children in the Modesto schools are from families living at or below poverty levels. We feel that this group of children need free school lunches.

The research performed by the Community Action Commission pointed out that in our county we are the second highest in incidence of malnutrition and starvation. These are facts that came out of the Community Action Commission. We also in our investigations found that 25 percent of the people in this county were on welfare or unemployment insurance in the winter of 1968. Yesterday the Modesto Bee had an article where the estimate is as high as 20 percent of our people are now unemployed in this county.

Another estimate is that nearly 3,000 children in Modesto city schools out of 20,000 were from families receiving aid, and these are county welfare figures.

The board's policy, as we have seen here this morning, seems to be to adjust feeding of children to their budget, and the Committee to Feed Hungry Children feels that all children from poverty and welfare level families should have a free lunch.

It has also been pointed out that California is the third lowest in the nation in state contributions to the lunch price.

Of all these facts and figures and statistics, probably the most severe one is the fact that California welfare funds for aid to needy children have not been increased since 1957. Even though the cost of living has gone up tremendously in the past 13 years, the aid to needy children has remained at the 1957 level.

Again from our fact sheet, a statement that even with the best possible management the poverty welfare budget could not provide the nutritional quality of the class A school lunch served in Modesto school cafeterias. There simply isn't enough money in the poverty welfare budget to go around for this.

I speak from my own particular case with children both in the high school and the elementary school. For me to provide a hot lunch program for them will cost $3.40 a day, or $68 a month, and with my middle-class income it is rather difficult for me to provide a hot lunch for my kids every day.

Those are the statistics that we have compiled. Our committee has come up with certain recommendations that have been presented. We feel that all children from the poverty and welfare level families should have a free lunch; (*b*) we feel that all families receive a letter informing them of the program. Prior to this year letters were not sent out to the public informing them of the possibilities of participating in this free lunch program. The board has directed and a letter was sent out this year informing the people of this possibility. We propose that the letter be sent out with an absence of bureaucratic jargon so that the poverty-level people could understand what was going on. (*c*) We wanted the board to consider a tax override to support the lunch program; (*d*) if necessary to, increase the lunch cost; (*e*) to seek additional Federal funds if more than 20 percent of the children in this county are from welfare families; (*f*) to establish a speakers' committee and present the problem to interested community organizations, and we were attempting to solicit funds in the sum of $7 to feed one child for 1 month; at present our committee has provided funds to feed approximately 20 children.

We also developed, again, this fact sheet to be put out to the public. We also urged the board to continue the lunch program and to apply for the OEO grant of $20,000 for this current school year.

I am going to digress from these notes because it is written down, and I will talk much more freely about it. It seems to me the board's position from the beginning has been rather indifferent to the groups appearing before it. I cite one incident where a letter had been sent to the board requesting answers to particular questions. At the board meeting we were 17th on the agenda. It was proposed to the chairman that the agenda be moved so that we could be heard much earlier in the evening. We were told it was 17th and that is where it would be.

At 11:30 p.m. the matter came up for discussion. At that time an administrator arose, came out with some printed sheets and handed out the printed answers to the questions. Now, this could have been done, you know, in deference to the people there, much, much earlier. However, that is the way it was done. Only with much persistency from Mr. Don Wilson did the board finally discuss some of the questions that were asked.

The board, it seems to me, has been playing the old words and numbers game. They are always talking about they take care of the hungry child, but there is a difference between the hungry and the needy and I submit we are talking about children. We are not talking about board evaluations and board classifications or principal classifications or any other classifications, but we are talking about children who need food. We are talking about a problem that exists for the poor, the poor that are on welfare, the poor that are on aid, and also the working poor. And again, the difference we are talking about, we are talking about children.

I might also add that I have heard so much here this morning about what the school's responsibility is. It seems to me the school boards least of all speak for children. The school boards apparently speak for taxpayers. The ones that they are elected to represent, they don't represent. They represent taxpayers, and yet their main job is education of children and concern for children.

It also seems to me that our society has committed itself to a free, compulsory public education system, and if that isn't welfare I don't know what is, but we all take the benefit from it so we don't call it welfare. [Applause.]

It also seems that there is a hostile attitude in this area toward people on welfare. They are treated as second-class citizens. They come before the board now because now, you see, the poor have organized, and this is a frightening thing in our society, because now they are willing to stand up. The courage that these people show in standing up before a board, before any group now, and speaking their minds, this is a great tribute, I think, to our democratic system and our democratic society.

Believe me, I am no outside agitator. I represent no conspiracy. The people I know are not outside agitators, nor do they represent a conspiracy.

If it is a conspiracy to bring about more democratic procedures, then I suppose we are all involved in it. However, it seems to me, again, the idea of the haves and have nots. Again we get to the definition of what is welfare? I myself received a thing called the National Youth Administration Act in 1937. That got me through high school. Now, of course, we don't call it welfare. It was something else. I have gone to college on the GI bill. I am purchasing a home with a GI loan. I have children who have gone through the State university.

I suppose all these things in the middle-class jargon are termed as subsidies, grants, all other things, but in reality it turns out to be a form of welfare. But since we all take part in it, in the middle-class, we separate it from the other welfare.

I also submit that in this hearing we have heard some remarks about the high rate of unemployment. This is a seasonal occupational area. I sometimes wonder if our welfare system isn't really a form of subsidy for the farmer to keep an adequate supply of cheap labor in the county.

Gentlemen, you see, we are playing with words. We are playing the old game of semantics, and we can translate it any way we want to translate it, but in the long run it all comes out to the fact that we are also dealing with people. I feel that schools are charged with meeting the educational needs of the child, and I believe of the total child. Since it is now compulsory, free public education, we must be concerned about his mental development, his physical development, and that includes his nutritional development.

Some board members have recently said "If we feed lunches, why not feed breakfasts?" And I say "Why not? Why not feed a breakfast?" [Applause.]

Why not make sure that all aspects of malnutrition are met? [Applause.]

To me, we must be concerned about education of the total child. This is what is needed.

It would also seem to me, in light of the discussions about State and Federal funding that may be coming through, the programs that are now being advocated, I would also seriously submit that we should have a very strict auditing system. I tend to feel that many, many programs that schools apply for—title I, Headstart program, and so on—that once the program has been funded, that somehow equipment, money, seems to be spent about the total school rather than for those individuals for whom the program was originally designed. I think there must be a very strict system of auditing, bringing to account exactly where funds are going.

I suppose that my last paragraph will bring to mind some of the things that I think this whole thing is about. We become conscious more than anything else of extraneous details. The issues with which we are faced are somehow lost in the wealth of details we are given about these issues, so that the presentation becomes more important than the cause. It is more important to look right, or to act right, or seem right, than it is to be right. The question of feeding needy children at any level, this is the issue, and this to me is a moral issue.

I wonder, does the incidence of hunger and need in our society indicate corruption of our society, the society of misallocated values, or does it indicate that we must bring about a change of institutions to meet the moral imperatives of a better society?

I feel that what I have said here this morning comes from the feeling of a human being for another human being. I think the time has come when school boards and local governments must start expressing some local responsibility, not just control. They are so concerned about principle and control, but when it comes time for responsibility they look somewhere else. They look quickly somewhere else. And they will quickly jump on some other funds from some other source rather than going out to uphold their idea of local control in exerting some local responsibility.

Again, I thank you, Senator, for the opportunity to speak before you. I just hope that maybe some of the things that I have said may help in your endeavor to bring through legislation that is needed.

(The prepared statement of Francis E. O'Brien follows:)

PREPARED STATEMENT OF FRANCIS E. O'BRIEN

Honorable gentlemen of the United States Senate, it is my extreme pleasure to appear before you, humbly I pray that I shall be able to contribute to your worthy and humane endeavors.

I am Francis E. O'Brien representing the welfare poor and the working poor through the organizations of *Citizens To Feed Hungry Children, The Stanislaus Federation of Teachers Local 1626 AFL-CIO, and Labor Council of Stanislaus County AFL-CIO.*

For the past fifteen years I have been a resident of Modesto, a concerned resident, concerned as a parent, concerned as a teacher, and concerned as a human being. Last Spring when the debate began over the lunch program as provided and administered by the Modesto City Schools, I became actively involved in the formation of the Citizens To Feed Hungry Children—a group of fifteen to twenty concerned citizens from all walks of life. We realized the existing need—the 3,000 children whose families were receiving aid from the county. From the start the question of eligibility for the program hinged on the difference between the administration's evaluation of "hungry" or "needy". The administration's policy, more specifically the Board's policy, also dictated a complicated, dehumanizing, application and appeal system to determine eligibility. Prior to this current school year there was no compliance to Board policy on notifying the parents of the existing lunch program, the children needing free lunches had to depend upon being pointed out by an interested party.

The Citizens To Feed Hungry Children actively participated at Board of Education meetings. The committee proposed: (a) all children from poverty/welfare level families should have a free lunch; (b) all families receive a letter informing them of the program, a letter not complicated with bureaucratic jargon; (c) consider a tax override to support lunch program; (d) increase lunch cost; (e) seek additional federal funds if more than 20% of the children are from welfare families; (f) establish a Speakers' Committee and present the problem to interested community organizations soliciting funds in the sum of $7.00 per child per month for a free lunch; (g) developed a fact sheet summarizing the needs of children living at the poverty level; (h) urging the Board to continue the lunch program and to apply for the O.E.O. grant of $20,000 for this current school year. The Citizens To Feed Hungry Children is currently providing the lunch funds for approximately twenty children.

The Modesto Board of Education has reacted most indifferently to the appeals of all organizations. For the most part the Board and the Superintendent have acted in a condescending manner toward the groups favoring an equitable school lunch program, treating them as though they were "second class" citizens. Rudeness and lack of common courtesy on the part of the Board has helped to create the polarization that exists. For instance, a letter was sent to the Board early last June requesting information pertinent to the School Lunch Program, the item was placed 17th on the agenda. The chairman was asked to please "move the agenda", he refused, at 11:30 p.m. item #17 came to the floor, at that time an administrator arose and began to pass out a ditto sheet of "answers" to the submitted questions. The ditto sheet was to take the place of the petition to "discuss the lunch program"; only after much persistency of the petitioners did a modified discussion take place.

The Board has been consistent in its role of playing the "words and numbers" game with the citizens seeking a broader lunch program, i.e. the word "hungry" has been injected for "needy"; the inability of the Board and its staff to arrive at a realization of the true number of children in need of a free lunch; the reference to "welfare people" and the "working poor", as though there is a difference, while the real problem from any angle is the needy child; and the old ruse of wanting a sound budget and assurance of funding before it can plan. As a matter of fact, the Modesto Board has exploited Federal funds and grants and yet, when the Federal Government withdraws or retracts some funds, the Board assumes a posture of a "waiting at the altar" maiden, even though surely someone must have realized that most Federal projects and programs are of limited duration and funding. This has been the case with Head Start, Title I, and the School Lunch Program. It is amazing how, with full knowledge of established guide lines and criteria, an agency can apply for funds, equipment, and programs; and once the funds are granted the attitude of "unjust government imposition" develops. Federal funding is wonderful without Federal directions!

In this light it was obvious from the time a possible court case was mentioned to the Board, that the Board would not follow any outside direction as to criteria for student participation in the lunch program.

A hostile attitude exists in this area toward the people on welfare. True, this county had a high percentage of welfare recipients, 26,605 persons as of June, 1969 out of 200,000 population, a high percentage of unemployed, presently estimated at 20%. But again the hostility is that of the "haves" toward the "have nots"—the middle class "self made persons" forgets or renames the "welfare" that they have received in the form of farm subsidies, grants, G.I. or Cal. Vet loans, G.I. educational benefits, Veterans tax exemptions, School milk and School Lunch programs. State College and State University programs. Farm Bureau extension and advisory programs, and many, many, more middle class "welfare" aids. The game of semantics creates strange creatures!

We have a very critical need for an extended free lunch program for *all needy children*, children of the poor. Schools are charged with meeting the educational needs of the child, however today when education is compulsory to age 18, where the public demands a "return" for their tax dollar, the role of the school changes to develop the total child! The "total" child must by definition, demand that the educational, social, physical, mental, spiritual, and nutritional needs must be fully met. If the schools are to be a main force in "breaking the poverty cycle" the society must orient itself to the task of developing the total child. To meet these increased needs, a broader Federal and State program must be implemented. At present it is mandatory that the Modesto Board reverse its decision and apply for readmittance to School Lunch Program; accept the Office of Economic Opportunity grant to cover the remaining school year; and to fully utilize its collective brain power to develop plans for the coming school years through local responsibility, and forcefully advocating State and Federal legislation.

We become conscious, more than anything else of extraneous detail—the issues with which we are faced are somehow lost in the wealth of details we are given about these issues so that the presentation becomes more important than the cause—it is more important to look right, or act right, or seem right, than it is to be right! The question of feeding needy children at any level is the ISSUE—this issue is a MORAL issue!

Senator McGovern. Thank you very much, Mr. O'Brien. It was an excellent statement.

I fully subscribe, as I think you know, to the viewpoint you expressed, that the key issue here is the issue of hungry children and how we are going to meet that problem, but there is a related issue that disturbs me almost as much, and that is the question of what has happened to the communication between the school board and the low-income families in this district that seems to make it impossible to discuss that problem. To me that is almost as disturbing as the fact that we are not operating an adequate school lunch program.

You are a school teacher who has lived in this community. What, in your judgment, has been responsible for this breakdown in communications between the elected officials of the school board and the low-income families that they are to serve?

Mr. O'Brien. I believe the school boards by their very nature are paternalistic. School boards look upon teachers, in a sense, as second-class citizens. They also look upon the poverty people as second-class citizens, that the school board is there. The statement was made the other night to the public to sit down, be quiet, "Don't you know you have to show respect," you know, "to the Superintendent?" And I submit we do have to show respect, but by the same token respect is a two-way street, and I think in discussing, discussing with the public, the board has taken this position, that they are the ones that ultimately will decide, and I suppose even right now in the present negotiations with the local teachers in Modesto, a negotiating council is set up, but this is a mere mouthpiece. That is all that it is, because the board will make the decision. This is what happens.

As a result, when the poor people, who up until now have been the silent ones—I was going to say the majority—they have been that, and now for the first time, for the first time they are beginning to say something, and unfortunately what they are saying is ringing a bell, and quickly now we find the school boards saying "We Speak for the Taxpayer," as though there is some distinction between human beings who are fortunate enough to pay taxes and own property and other human beings that are not as fortunate as they.

Senator McGovern. You have heard the distinction that was drawn here earlier between education on one hand and the school feeding program, which was described as welfare, on the other. Do you hold that view, that you can set up a clear distinction between the education of the child and the adequate feeding of that child?

Mr. O'Brien. In my view the most important thing the schools can teach is recognition of human beings. We need a humanizing element in the schools, and if this means a free breakfast and a free lunch to make a kid feel like something, this is exactly what we need. This is exactly what we need. We need a program that makes an individual child feel that he is somebody, that somebody cares.

Now, whether it means giving him a breakfast—and I am all for this—whether it means giving him a lunch—and I am all for that. I am for people, namely teachers, eating with the kids, being with the kids, treating the kids as human beings. I think this is the greatest thing the schools can do, and I think up until now we haven't been doing it.

Senator McGovern. Well, it seems to me that what you have said is consistent with the effort to broaden our educational program. We offer physical education programs without charge to the students, do we not? This doesn't necessarily speak to the mind of the child, but we teach them the importance of physical education, personal hygiene, I presume even something about dietary standards. Is there not an equal justification, then, for trying in our schools to see that every child not only knows something about good nutrition, but has an opportunity to participate in it?

Mr. O'Brien. The old adage of practice makes perfect, I think this is one way to raise the nutritional level of our whole country, and if we look at the present draft standards where people are not being accepted in the draft because of physical incapabilities or inabilities, how much of this reverts back to the fact that they have had poor dietary practices in the past?

It is also interesting, we have a fine instrumental music program, band program, in Modesto. A few board meetings ago there was a discussion about cutting out some of the band, the band instruction, and there was a great uproar of people in the audience about, you know, how we really need this.

I heard nurses standing up and speaking about how vital they were to the total school program in these health services. I heard the director of physical education and health stand up and testify to how vital the nurses are in the program of health. I have not heard these people come before the board and ask about lunch programs, and I am wondering, there is some inconsistency there. They speak very well when they are speaking about their own aim, but when it comes time to speak for the individual child, they are not there.

I also wonder, we have a county schools office that has experts in the field of nutrition. I have yet to hear those people come before the board and give any testimony.

I also wonder where the doctors are in this community, who certainly must know about the malnutrition and its prevalence in this county. I haven't heard them before the board.

I sometimes wonder if we are not really walking in a different direction. We kind of give the feeling that we are concerned about kids, but it seems to me we are more concerned about a tax dollar and a principle than we are concerned about the individual development of the human being.

Senator McGovern. Well, thank you very much, Mr. O'Brien. Now we want to move on to Mr. Don Wilson. We will be glad to have your statement, Mr. Wilson.

STATEMENT OF DONALD C. WILSON, MODESTO, CALIF.

Mr. Wilson. My name is Don Wilson.

Senator McGovern. Mr. Wilson, can you pull that microphone a little closer? If it is not alive, we will move the other one.

Mr. Wilson. Yes, sir. I am glad to be here today to do whatever little bit I can do.

I have been living here in Modesto around 5 years. When this first came to my attention I was drawing AFDC myself. That is Aid for Dependent Children. I mean, I wasn't, my family was. At that time I became disabled, totally disabled, so I fell in the welfare line, as you might speak. So drawing this $318, I had to live on that until social security came in and ATD came in, which makes it about right now, but this takes a number of months before all this comes through.

So people wonder why I got into the program. Well, this is one reason I got into it, because I have been there. I lived in it. I know what I had to do to get by. If it hadn't been for the surplus food when I was drawing the $318 a month I would have went hungry many times.

It is the same problem today. People on AFDC, families drawing AFDC, most can't afford to participate in the food stamp programs because it still costs them a certain amount of money, which they reduced it a great deal, but now you are still not reaching all the people.

Senator McGovern. In that connection, Mr. Wilson, the Senate again last September did pass a very strong food stamp program but it is still tied up in the House along with the school lunch reform. I am still hopeful the House of Representatives is going to move on that this year.

Mr. Wilson. So anyway, I will go on here, starting with some of my questions. I think some of them have already been answered here.

I would like to know something here. How are we going to know that the school board will accept the new program? You know, that forthcoming year, 1971. You know, that is something probably no one will know, I don't know.

Senator McGovern. You mean if Congress approves the new school lunch reform program?

Mr. Wilson. Yes.

Senator McGOVERN. Well, I addressed that question to Dr. Corona, and also to Mr. Rose and it was my understanding that, at least speaking for themselves, they would strongly recommend that the school district go into the new program providing the Federal Government comes through with the reforms that were authorized in the Senate.

Mr. WILSON. I see. Perhaps what is going on here today will not help us here in Modesto, although we hope the Senate committee will put some bite in the bills. Otherwise there will be schools that won't participate in the school lunch program.

The grant should be made to the State instead of the school districts, with the conditions that the State guarantee that all school districts will participate. This is the way the welfare programs are administered.

Another way to put a bite in the bills would be to provide for withholding of all Federal funds for any school district who failed to pariticpate in the school lunch program.

Without these types of regulation, school boards like we have here in Modesto may not participate in the lunch program if it may not cost them anything.

If this hearing means anything at all, you Senators will accept suggestions from the poor. If you are not willing to consider the suggestions that I have made, there is no sense in me or the hearing going on. You know, you hang it up.

I have lived in this county for several years, and have worked with a large number of poor people here. I have seen and lived in poverty here in Modesto.

You have heard and will hear of statistics about hunger. These numbers can't show a true picture. The conditions are worse than any survey can show. I can only say that hunger is widespread and is involving a large number of people.

Because of the use of modern equipment in the fields, the problem is even worse in the winter months.

We said in the beginning feed all of the hungry or hang it up. I would like to say the same thing to this committee. Develop a good lunch program and force all school districts to participate in it, or hang it up.

Before I took the school lunch issue up with the school board I talked with many, many people, and what I heard I didn't like. Here are a few examples:

You work, you eat; you don't work, you don't eat.

The other children knew the position the schools took on giving free lunches, so the other kids made light of them. One particular case, the girl was very overweight, had an enlarged heart, and was not supposed to do work of any kind, and not to get upset, due to her heart condition. In spite of all this, Mr. Howe had her work for her lunch. Her mother was on AFDC. The girl had heart surgery.

A few that the school were feeding without the working condition tied to it, they gave them free lunch cards that other children could identify being different from the one you paid for. When I first looked into the free lunches the schools were feeding about 170 kids, although the majority of them were working for them. When I brought this to the attention of the board, Mr. Bienvenu, a board member, made light of me by telling me he dusted erasers for his lunch, and not considering the effect that this had on the children.

I explained to the board that there were many children going without lunches in their districts. At first they flatly refused that there was a single child going without a lunch in their district. According to a Mr. Howe over the lunch programs, many parents fronted him with this before the board. He admitted he was not reaching all the children. The school board agreed to look into it and to set up some kind of criteria.

So the board set up a meeting between our group and the principals, and it was recognized by Mr. Corona, and in reaching the poor children I recommended the poverty guideline set up by OEO. The board accepted it. They found later it would cost too much money, so instead of using it at face value they used 80 percent of the OEO guideline and go up to 85 to 90 and 100 percent as the money came available.

So we felt this was not the answer, so we decided to get CRLA to take it to court. After going to the school board for many months we felt it was fruitless to try to encourage the board to go by the OEO guidelines 100 percent. Mr. Bienvenu repeated over and over again, "Sue us." Then later on, after we won in court, he said, "Recall us," referring to the school board.

After taking it to court we still tired to work out something with the board. They insisted the money was not available and that they would have to use 80 percent of the OEO guidelines.

After we won in court they would not recognize Judge MacBride's order to set up criteria to feed all needy children under the OEO guidelines. The school board flat denied to obey a court order issued by Superior Judge MacBride. By dropping out of the free lunch program the board feels this justifies the court's order.

The board has not as yet set up such criteria. The children are still going hungry. We set up another committee program to feed the children free lunches. Since the school board needed $19,000, we asked CAC if they couldn't help in this matter. They agreed to ask OEO for $20,000, and OEO agreed to give this amount. The board flat turned it down. They wanted to decide who was hungry and who was not hungry by saying there was a difference between hungry and needy, and have insisted they will not participate in the school lunch program at this time. They keep saying that it is a welfare problem and not a school problem, although they have been accepting various types of moneys and surplus foods with no criteria or guidelines for the past 24 years.

We feel they are taking a dictator attitude and hungry children is not important, and is not their responsibility.

We were holding a meeting recently at the co-op. A fellow stumbled in with a bottle of Ripple wine in his hand saying "I'm a poor Okie, like you, and you are being led by Phil Neumark and others." He kept referring to Jim Switzer as the "Yellow Shirt"—he is a colored fellow—and Dave Talamante as "The Beard." That's this fellow here. We let him talk for 2 hours not saying much of anything, asked him why he was there. He said "Just to tell you Phil Neumark is leading you." So I persuaded him to leave. I learned later he was the director over the cafeterias in the Modesto school district. His name was Harley Pullinum, who lived in a $35,000 shack. [Exclamations from the audience.]

He wasn't quite telling the truth.

I would like to add another thing last night that was brought to my attention. I spent about 45 minutes on the air last night on K5 down here, and some women phoned me up. She was referring to parents that drank and smoked cigarettes and did all these evil things, so she asked me a question. She said "Well, why should we feed these children if they are going to throw away the money?" So I asked her the question, I says "you mean to tell me that the child should be punished for what the parents do?" She wouldn't answer me.

Now, this is the case in this country today. I don't care what the parents do. I don't care what kind of background they've got, anything else in the world. Don't punish a kid for what the parents do, because those little fellars, they can't hold up for their self, and if somebody don't hold up for them, nobody will. I mean, they haven't got no lobbies in Washington, Sacramento, or nowhere else. So I think we should consider the children first, and if this is not done, this country has got no heart or nothing else.

(The prepared statement of Donald C. Wilson follows:)

PREPARED STATEMENT OF DONALD C. WILSON

Mr. Chairman, Senator Dole:

Why are you here?

How is this going to effect our free lunches here?

How are we going to know that the school board will accept the new program?

Perhaps what is going on here today will not help us here in Modesto.

We hope this Senate Committee will put some bite in the Bills. Otherwise, there will be schools that won't participate in the program.

The grant should be made to the state instead of school districts with the "condition" that the state guaranty that all school districts will participate.

This is the way welfare programs are administered.

Another way to put a bite in the Bills would be to provide for the withholding of all federal funds for any school district who failed to participate in the school lunch program.

Without these types of regulation, school boards, like we have here in Modesto may not participate in the lunch program even if it may not cost them anything.

If this hearing means anything at all you, Senator, must accept suggestions from the poor.

If you are not willing to consider the suggestions that I've made, there is no sense in me or the hearing going on. Hang it up.

I've lived in this county for several years and have worked with a large number of poor people here. I have seen and lived in poverty here in Modesto.

You have heard and will hear a lot of statistics about hunger today. These numbers can't show a true picture.

The conditions are worse than any survey can show.

I can only say that hunger is widespread and is involving a larger number of people.

Because of the use of modern equipment in the field, the problem is even worse in the winter months.

We said in the beginning feed all of the hungry "or hang it up."

I would like to say the same thing to this committee, develop a good lunch program and force all school districts to participate in it "or hang it up."

Before I took the school lunch issue up with the school board I talked with many many people, and what I heard I didn't like.

Here are a few examples:

You work, you eat, you don't work, you don't eat.

The other kids knew the position the schools took on giving free lunches, so the other kids made light of them. One particular case, the girl was very overweight, had an enlarged heart, and was not supposed to do work of any kind, and not to get upset, due to her heart condition. In spite of all this, Mr. Hull had her work for her lunch. Her mother was on AFDC. The girl had heart surgery. A few that the school were feeding without the working condition tied to it. They gave them free lunch cards that other kids could identify the card. By being different from the one you pay for. When I first looked into the free lunches the schools were feeding about 170 kids. Although the majority of them were working for them. When I brought this to the attention of the board, Mr. Bienvenue, a board member, made light of me. By telling me he dusted erasers for his lunch, and not considering the effect this had on the kids.

I explained to the Board that there were many children going without lunches in their district at first they flat refused that there was a single child going without a lunch in their district. According to a Mr. Hull over the lunch program. Many parents fronted him with this before the board, he admitted he was not reaching all the children. The school board agreed to look into it and to set up some kind of criteria. So the board set up a meeting between our group and the principals, and it was recognized by Mr. Corona, and in reaching the poor children. I recommend using the poverty guide lines set up by O.E.O. The board accepted it. They found later it would cost too much money. So, instead of using it at face value they used 80% of the O.E.O. guidelines and go up 85%, 90%, and 100 percent as the money came available. So we felt this was not the answer, so we decided to get CRLA to take it to court. After going to the school board for many months we felt it was fruitless to try to encourage the board to go by the O.E.O. guidelines 100%. Bienvenu repeated over and over again, "sue us." Then later on after we won in court, he said, "recall us," referring to the school board. After taking it to court we still tried to work out something with the board. They insisted the money was not available and they would have to use 80% of the O.E.O. guidelines.

After we won in court, they would not recognize Judge MacBride's order to set up criteria to feed all needy children, under the O.E.O. guidelines the school board flat denied to obey a court order issued by superior Judge MacBride. By dropping out of the free lunch program, the board feels this justify's the court order. The board has not as yet set up such criteria the children is still going hungry. We set up another committee program to feed the children free lunch. Since the school board needed $19,000, we asked CAC if they couldn't help in this matter. They agreed to ask O.E.O. for $20,000 and O.E.O. agreed to give this amount. The board flat turned it down, they wanted to decide who was hungry and who was not. By saying there was a difference between hungry and needy, and has insisted they will not participate in the school lunch program at this time. They keep saying that it is a welfare problem and not a school problem. Although they have been accepting various types of moneys and surplus foods with no criteria or guidelines, for the past 24 years. We feel they are taking a dictator attitude and hungry children is not important, and is not their responsibility.

We were holding a meeting recently at the Co-Op. A fellow stumbled in with a bottle of ripple wine in his hand saying "I'm a poor okie like you are." And you being led by Phil Neumark and others. He kept referring to Jim Switzer as the "yellow shirt" and Dave Talamante as the Beard. We let him talk for two hours not saying much of anything, asked him why he was there. He said just to tell you Phil Neumark is leading you. So I persuaded him to leave. I learned later he was the director over the cafeteria in the Modesto School District. His name was Harley Pullinum who lived in a $35,000 home.

Senator **McGovern**. Thank you very much, Mr. Wilson.

I wonder if you could just clarify the role that you have played, and tell us how you became involved in this school lunch controversy here in Modesto. You recall earlier in the testimony, some of the earlier witnesses, your role was described somewhat, but I would like to have you just enlarge on that a little bit as to how you became involved as one of the active participants in this issue?

Mr. **Wilson**. Well, first of all, there was an issue came up about my son. They expelled him out of school. So I went to the school board and asked them, I sez "What kind of guidelines have you got?" You know, "Just because my kid is poor, how come you kicked him out of school? Show me something," you know, "show me some guideline." Well they are really up to date on that. I have been waiting way over a year and I still ain't got no guidelines on that. But nevertheless, that is what brought me to this.

Then I knew that I couldn't afford a lunch and I got to looking around and other people, I kept talking, kept talking to different people, and they couldn't afford a lunch. You know, they couldn't even afford a sack lunch, due to the fact they didn't have no light bread to carry, and the kids would laugh them out of school if they had to tuck a biscuit to school.

Senator McGOVERN. You have four children in the school system, is that correct?

Mr. WILSON. I have four in school now, but one kicked out and four in.

Senator McGOVERN. What does that school lunch program, if it operates effectively, what does that really mean to a family like yours?

Mr. WILSON. Well, in my case now, you see, like I said before, I've got social security, ATD. To me it wouldn't mean nothing at this time because I wouldn't be underneath the OEO guidelines. But to other people——

Senator McGOVERN. No, but I mean what would be the value to your family if the program were functioning as a good school lunch program? How important is that to your family in terms of your children and their well being?

Mr. WILSON. I see what you mean. Well, what it would mean, they would get a class A lunch. They would get a better lunch, they would get more, you know, all they want to eat, and perhaps seconds if they wanted them. You know, there would be hot food. The way it is now they are cutting the food value down to save money, and not only that, they cut out all seconds. Now here they are trying to cut out all high schools lunches. They say it is only 15 or 16 percent, you know, eating lunches in the high schools. Well, let's stop and think for a moment. Maybe there is a reason for that. Maybe the reason is because the children can't afford those kind of prices that they are charging at the restaurant, or maybe they are not making a lunch that the children, you know, the type of lunch that the children really want. There's lots of reasons.

Senator McGOVERN. Do your children pay for the lunch, Mr. Wilson, or are they under the free lunch program?

Mr. WILSON. No, sir; they pay for their lunch.

Senator McGOVERN. All four of them?

Mr. WILSON. Well, I have one in Headstart. Of course, his lunch is free.

Senator McGOVERN. What does that cost per lunch? What do you have to pay for that?

Mr. WILSON. Thirty-five cents a meal. It costs me about a dollar and a nickel a day.

Senator McGOVERN. For your children that are in the programs?

Mr. WILSON. Yes.

Senator McGOVERN. Do you have difficulty on your income with the rest of the diet, with the breakfast, and the dinner and supper in the evening, or is that a serious problem?

Mr. WILSON. Well, no, it comes out about right.

Senator McGOVERN. So your interest here is not only in preserving a good nutritious program that you have been paying for, for your youngsters, but you want the free or reduced-price lunches for families that can't afford to pay anything?

Mr. WILSON. Yes, sir. You see, a lot of these people want to use AFDC standards, and they want to use other standards. You know, you hear several standards to be used. But if you get right down to it, you are not going to get a true count by using any of them because there are some people, you've got some proud people in this country. They will not sign up on welfare which they would be eligible for. They would not sign for the free lunch because they are afraid someone is going to gig them on it, you know, or turn them down. You know what I mean? And stuff like this, so it is really hard to reach all the people.

Senator McGOVERN. Well, thank you, Mr. Wilson, for your testimony, and we want to move on now to our third witness in this panel, Mr. David Talamante. Mr. Talamante?

STATEMENT OF DAVID A. TALAMANTE

Mr. TALAMANTE. Mr. Senator and members of the committee, on behalf of the citizens to save the school lunch program, we thank you for being here today. I will now read my personal testimony before the committee.

Mr. Chairman, members of the committee, I hope that the presence of your committee in Modesto will bring the respect which has so far been lacking from the board of education for the needs of the low-income community in Modesto.

My recent involvement in the citizens to save the school lunch program has brought to light the fact that although the free-lunch program is a local problem, we are going to need help at the national level. I will testify to the fact that the board of education has simply refused to discuss a $19,000 grant from the National Office of Economic Opportunity to feed the hungry children of Modesto city schools for the remainder of the school year.

This unjustifiable act has created a strong and dedicated coalition among all ethnic groups to demonstrate to the board of education that the community is behind us. We have assured the school board that we must not and will not accept this action that the board of education has taken against the children of Modesto.

The fact is, Mr. Chairman, that there is hunger in Modesto. There is a very deep hunger. Approximately 51 percent of Stanislaus County lives below the OEO poverty guidelines.

On January 7, 1967, when my family and I moved to Modesto, I found it very difficult to find a job. It was even harder to accept the fact that there were so many unemployed people in Stanislaus County. At this point in our lives we did not realize that so many people were depending on welfare for their livelihood. As the days and months went on I started to wonder about the condition this country was in and why. On September 17, 1967, I was employed by the Stanislaus County Community Action Commission as a community worker.

I started working with the farm workers and found out that their basic concern was how were they going to provide food for their children. I personally surveyed this county and found out what kind of project would best fit the needs of the poor people of Stanislaus County.

The survey, which took 4 months, proved that the low-income people desperately need food, jobs, and housing. We decided that a low-income farm and food cooperative would help some of the hunger problems of this county. My immediate supervisors could not believe the fact the people were actually going hungry in this county. Our low-income food project was always criticized.

We opened the doors of the cooperative on July 3, 1969. As soon as the store opened, children from the surrounding low-income community began coming in and asking for lunch meat and other food to eat because they were hungry. Word got around that we were a low-income organization. Although this was a bad business practice, we could not resist giving food to hungry children.

As the school days rolled along in September, kids began to come in and ask if we could provide lunches for them. We did this to the limit of the very limited resources we had available to us.

Events like this made me realize the conditions under which the residents of Modesto were living. I started talking to our members because, as the winter months continued, our credit accounts had been going up. I found out that the majority did not have enough money even to buy groceries.

At that point we began referring many of the people who came into the co-op to the emergency food program. It was about this time that we went through the exposure of the hunger crisis in Stanislaus County.

Let me say this to our elective Representatives here today. There is hunger in Stanislaus County, and there are hungry children in Modesto city schools. The reason that the school board has not recognized this problem is that they do not have any contact with low-income people in Modesto. Our school board is made up of people living on the north side of town, who do not realize the deepness of the crisis of our people for the basic daily necessities of life.

Our basic experience at the co-op and at other organizations that I have worked with has proved to us through day-to-day experience that poeple are desperate for food, and that when a program comes about which gives them an adequate daily diet it becomes a very important issue for us. This is proved by the large forces that have mobilized behind this issue when the lunch program was endangered.

Mr. Chairman and members of the committee, thank you for hearing my testimony on this problem, which is a very deep concern for our community. We would appreciate any help or assistance that this committee can give us in solving the problems that the board of education has brought upon the children of Modesto.

Thank you.

Senator McGovern. Thank you, Mr. Talamante. I know you have been close to low-income families in this community. Has the decision of the school board not to comply with Judge MacBride's order had an effect or noticeable effect on the low-income community's faith in law and order in our judicial process, our political process?

Mr. Talamante. Yes, it has, Senator. We have been picketing for the last 2 weeks, and it has been very hard for people to understand how can an elected body like the school board disobey a Federal court order and yet expect the low-income citizens, the young students, the children of our society, to respect law and order?

We have been trying to restrain the students, the low-income people from taking other actions, because they see no solution when law and order is not obeyed by elected officials.

Senator McGovern. We appreciate your statement, Mr. Talamante. A number of the questions I had intended to ask you have already been considered here, so we will move on to Mr. Takayanagi.

Mr. Takayanagi, you are accompanied by Mr. Neil Bodine, is that correct?

Reverened Takayanagi. Yes, that is correct, Senator.

Senator McGovern. What I would like to suggest, in view of the fact that we are approaching the noon hour here and still have some other witnesses, perhaps you could summarize your statement and hit the highlights, the points you most wanted to make, and then possibly Mr. Bodine could give us a summary of the survey on the need for the school lunch program, and we will proceed with a few questions on that basis.

STATEMENT OF M. JACK TAKAYANAGI, EXECUTIVE COMMITTEE, STANISLAUS COUNTY COMMUNITY ACTION COMMISSION, ACCOMPANIED BY NEIL BODINE, EXECUTIVE DIRECTOR, STANISLAUS COUNTY COMMUNITY ACTION COMMISSION

Reverend Takayanagi. Yes, we will be very happy to do that, sir, and I will leave that area in which the survey that you make reference to Mr. Bodine, since he is the one who can speak more directly to it.

In making this presentation as a member of the Executive Committee of the Community Action Commission of Stanislaus County, I am also the pastor of the Congregational Church here in the city, and from this area I'm also vitally interested in this particular concerning the problems that we have.

I just want to make mention that the Community Action Commission of Stanislaus County is a Federal refunded agency which serves as a catalyst and mediator for the entire community regarding the problems and concerns that face the low-income and poor people of our county. Because it is so constituted——

Senator McGovern. Reverend Takayanagi, may I interrupt you just a moment?

There are a number of chairs here in the front of the auditorium. You people that have been standing a long time are welcome to come in and take these chairs. There are at least a half a dozen empty chairs I see here in the front of the auditorium.

You may proceed then, Reverend.

Reverend Takayanagi. Because the CAC, which I will refer to the Community Action Commission as that because that is the initials, provides through dialog and projects a base to face these concerns with realism and to prevent the polarization within our community that may arise through misunderstanding or lack of knowledge of upper-income people about the poor people of our society. I think this is an appropriate time to bear witness and testimony at this particular hearing.

Because this is the primary function and its priority should be concerned with the low-income and poor people of the county, the national school lunch program and its effect upon the welfare of the poor is within its jurisdiction of conscience and concern. In the board of education—and I wish to make this with emphasis—in the board of education and its administration's decision to withdraw from this program is reflected more on the principle and the criteria rather than on the true exhaustive study of the hungry among our people. I think this was borne out in testimony this morning, and Mr. Bodine will make reference to verify the factor that we have endeavored in this past week to make at least a random-sample survey of this situation in our target area of the city.

So, skipping over that particular aspect and leaving that to Mr. Bodine, may I continue by saying when the board of education and the superintendent indicated that its reason for withdrawal from the national school lunch program was due to the fact of an added strain upon an already exhausted budget—and we recognize that—and that it would require $19,000 to see the program to the end of the present school year, the CAC made available to the national OEO the amount of $20,000 so it could remain in the program, particularly crucial in that both on the state and national level there are pending bills directly pertaining to this program.

When the board gave an unofficial poll stating it would accept the offer, stating it was now a matter of principle and not of money, our executive director, Mr. Bodine, at the board's meeting on March 16 presented the following reasons to the board to give serious reconsideration of their previous decision, or their poll decision, to withdraw from the national school lunch program, and I should like to read those four particularly salient points that was presented at that meeting by our executive director, Mr. Bodine.

Number one, to withdraw from the national school lunch program by refusing to take a prudent risk is to jeopardize the learning of some 2,800 children in the city of Modesto. The prudent risk may be defined as building up the community's expectations and not be able to meet it. However, it is the feeling of those present that it is a risk with which the low-income people were willing to take if the board would have assumed it.

Second, to withdraw from the national school lunch program would jeopardize the many bills before State and national legislative bodies which would allocate millions of dollars for the lunch program, and thus conceivably can endanger the lives of many children in the Nation. And I might comment that this has strong moral implications as well.

Three, to withdraw from the national school lunch program would seriously jeopardize our emergency food-medical service program of the CAC and cause it to close by October when the need starts to become the greatest in our county during the winter months.

Four, to withdraw from the program may well fracture and polarize our community and further reduce the consequence of our people in its own governmental bodies and the democratic process.

Being present at that meeting, Senator, I can testify that there was a standing ovation for the clarity of the reasons, and for the remainder of that meeting there was no one stood in opposition to the reasoning for which Mr. Bodine had presented and his reasons for the clarity of position of offering to the board the $20,000 from the national OEO.

The board's failure to move that the matter be placed on the official agenda that night or at any future meeting indicated to the community that was present its refusal of the CAC offer.

Thusly, I wish to enter upon this record a sort of a personal reflection on this matter, that it is one of both obligation and moral responsibility which I feel the refusal of the $20,000 has placed the board of education in a very grave posture. Its obligation to feed hungry children, by its own admittance, must be somewhat delicate when it refused to accept the $20,000 when it added no extra obligation on the taxpayer or on the existing school budget.

By its own admission by the chairman or the president of the board that "This is a community problem, not just a school," then I feel it is missing the opportunity whereby we can make this aid indeed a community concern, showing faith in its community in accepting the $20,000 and saying that to the community, that the continuing of the funding of this program in the future would depend upon the ability of the community to acquire Federal, state and local funding.

There are already a number of community organizations interested in seeing that this be explored besides the guidance and concern of both the CAC and the welfare department.

It is also, I feel, a moral responsibility in that the action has not taken into account the furthering of the polarization of the community at a time when this community cannot afford to be polarized. As one whose position at present allows me to keep a listening ear to both the middle-class and upper-middle-class and low-income and poor people, I say with great seriousness that this community cannot go on supporting actions that will reduce the confidence of its people in those who have responsible positions to face realistically the problems of this community. Therefore, the board of education, I feel, cannot afford at this time particularly to be the cause of such a polarization between itself and the community it is called upon to serve. I believe it had a real opportunity and a role to play in maintaining the unity of its community, and nothing can add to the discomfort of our people when the children are hungry when they know that by an action they could be fed. If that was not communicated at the last board of education meeting and events since that time, then perhaps the injunction will come from even a higher court. We who have ears do not hear, and we who have eyes do not see.

At this time I will turn the survey situation over to Mr. Bodine.

Senator McGOVERN. Thank you very much, Reverend Takayanagi. We appreciate your statement.

Mr. Bodine?

Mr. BODINE. After the school board meeting last week when the offer that our agency made was turned down, I noted in reflecting on the situation that there were several serious problems in the community. One, there was an increasing polarization between the low income and the middle class. There was a great deal of misinformation, and a general vagueness about the extent of hunger in the community.

Now, as an agency which is supposed to be an advocate for the poor in the total community and to facilitate total community action to solve issues, we made an attempt to provide more substantial information which the larger community could digest, and together with the support and assistance of the League of Women Voters we did a random-sample survey of the seven target area schools. In the survey we interviewed families which comprised 398 children, approximately 5 percent of the population. This was done strictly at random. We had no idea what the results would be prior to running the survey.

The conclusions can be reached at this point at the preliminary study of the results. If you would like to find how we came to these conclusions you can look at the total survey form.

The first conclusion is that at least 44 percent of the school age children in the seven target area schools come from families earning less than $4,000 annually.

At least 55 percent of the children depend upon some form of public assistance or fixed income rather than employment. More significantly, more than one out of three children go without any lunch at all, hot or cold, at least once during the week, because of their parents' financial inability to provide them with such a lunch.

Also, one out of seven children do not receive a lunch on any day of the week. A significant percentage of these children come from families whose annual income is $3,000 to $4,000 annually. Almost two-thirds of these are dependent upon public assistance.

So we can say safely that one out of seven children do not have a lunch anytime during the week, and therefore his education suffers.

One out of ten of these children go without breakfast at least once a week, because, again, their parents cannot afford to buy the food.

Finally, the current administration of the free-lunch program in the Modesto City schools seems to be totally inconsistent because the income of the majority of the families that were turned down for the food program relative to the number of school age children in their families is as low or lower than that of the families that are receiving free lunches, and if you study the two tables here you can see that actually the ones that are refused do not even have as much money as those that are presently being served.

Senator McGOVERN. Thank you, Mr. Bodine, for your statement. Reverend Takayanagi, I was interested in your comment about the danger of this issue spreading or polarizing the community. Do you think the refusal by the board of the $20,000 offered by OEO on the grounds that this violated a principle, the board didn't want to accept it, that that served this polarization problem that you talked about?

Reverend TAKAYANAGI. Yes. I think the concern that we had at this action not only has disturbed most certainly the community where the problem most seriously exists, of course, I think in my own reflection there are many who are in the middle-class society of our community who are very much disturbed also by this, by this action. I think it has been testified here about it, and I feel that within my own hearing that this is also true.

I think this only adds to the significant situation of the factor that there does not seem to be the ability for our people to communicate in this sense to the board of education, and that to be continually running into this kind of confrontation can only serve for people to have a feeling of being reduced to less confidence in the kind of governmental function that we placed in responsibility to those persons whom we elect to serve the community, and in this regard I feel that this just pushes back people rather than to bring them into a united communication and relationship, and I think this just adds one more to some previous and certainly, perhaps, hopefully not, but future kinds of confrontations of this nature.

Senator McGOVERN. So that aside from the immediate impact on the children with reference to the feeding program you are pleading for an opening of better communications between the low-income families and other families in this district and the school board?

Reverend TAKAYANAGI. Yes; let me just continue by saying this statement, that it is our feeling that if the board had accepted the $20,000, which would not have been any added expense to the taxpayer, would not have put any restraint on the remaining budget for the year, would mean that in one sense that the board could have said to the community "We are giving a sense of confidence in you," and then it would allow us in the community who are concerned about this problem to continue to work toward whatever funding kinds of things we might need in the fall to continue this program.

I have a feeling that what is at issue here is that we are saying that if they would have accepted the $20,000 and had then continued to feed the children and thus given us an opportunity, a sort of interim period to begin to work as a community toward the funding and continuation of this program in the fall, what I hear however by the board's refusal is a factor that they are saying "Let's not feed the children until we are able to have the funds." That action I presume polarizes rather than to bring into a more communal kind of relationship between the peoples in the community.

Senator McGOVERN. Well, now, from your judgment of attitudes in the community, do you think that if the estimates that were made by Judge MacBride and others that by a 3-cent increase in the cost of the school lunch program to those students who are paying for it, that you could have gotten the additional funds that were needed to provide free lunches to the poor children, that this community would have been willing to pay for that?

Reverend TAKAYANAGI. Well, I would hope that they certainly would. I feel that this would have enabled us to come to the kind of decision the community needs to make, and the we——

Senator McGOVERN. There is no doubt, is there, that Judge MacBride spelled out that it was a legal alternative for the school board simply to raise the price 2 or 3 cents to those students that were paying for school lunches, and that money could have been used to meet the funding deficiency until such time as Federal funds were available?

Reverend TAKAYANAGI. Yes, sir.

Senator McGOVERN. And you think the community would have sustained that kind of effort?

Reverend TAKAYANAGI. Yes. I think the concern that we had at this time over the time when we came through the winter months in December, the crisis which we had, and the community response to that particular crisis of hunger during the month of December, would only seem to me to give sanction to this particular—yes.

Senator McGOVERN. Well, thank you very much, Reverend, gentlemen. We appreciate your testimony.

(Prepared statement of Rev. M. Jack Takayanagi follows:)

PREPARED STATEMENT OF M. JACK TAKAYANAGI

As the representative of the Community Action Commission (CAC) of Stanislaus County and a member of its Executive Committee, I would like to make the following points before the Select Committee on Nutrition and Human Needs of the United States Senate:

1. The basic objective of the Stanislaus County Community Action Commission.
2. The concern of the CAC for the poor as it is reflected through the National School Lunch Program.
3. The CAC offer to the Modesto Board of Education to remain in the National School Lunch Program.
4. A personal observation by way of summarization.

I. The estimated population of Stanislaus County is 200,000 of which 51.6% of its people come from families which make $4,000 or less. The gravity of our community's struggle on the war on poverty is evidenced when one recognizes that the national OEO poverty level is established at $3,600 for a family of four. Whereas 51.6% of our families have incomes of $4,000 and below, 24.5% of these families have incomes below $3,000. The United States Department of Agriculture survey indicates (1965) that nationally ⅔ of the families under $3,000 per annum are mal-nourished. To compound the poverty of the people is the fact that Stanislaus County has one of the highest unemployment rates in the nation in that as early as October it reaches 10% and may escalate in the winter months to as high as 20%.

Recognizing these and other contributing factors such as housing the CAC has as its objective to organize and mobilize the entire community in confronting and dealing with these problems. It serves as a bridge to bring to the community's attention these existing problems and to present projects to avoid the polarizations of its community to deal realistically with them. As a funded federal agency, the CAC sees itself as a catalyst and mediator in dealing with the concerns of the low-income people with the entire community.

II. The CAC's involvement with the National School Lunch Program is in direct relation with its policy for the concerns of the welfare of the poor. On December 9, 1969 the Stanislaus County Board of Supervisors declared the county in a state of a "hunger disaster." At that time both the CAC Emergency Food and Medical Program and the Department of Welfare had exhausted its funds to feed the hungry. This condition was brought about by the high rate of winter unemployment, the increased caseloads of AFDC, the high percentage of unmet needs due to the fact that the California Welfare Grant has not changed since 1957 though the cost of living since that time has increased more than 26%. This condition will show itself in the ability for families to provide lunches for their children. This week the CAC undertook a random sample survey of one of its five target areas to determine the ability of families to provide lunches for its children. Out of families which include 398 children, 35.5% could not provide lunches every day for their children, either bought or bagged. This would mean 141 children would be without regular daily lunches during the week. The survey indicated that 42.2% representing 168 children could afford to buy lunches each day and the remaining 22.3% would be a combination of bag and bought lunches. The parents of 56 children (14.1% of all the children) cannot provide lunches on any day of the week.

It is the concensus of the CAC that the National School Lunch Program not only assists through funded matching monies and commodities to alleviate this hunger problem by providing lunches free or at reduced cost but provides a means whereby children may be fed in order that they may grow and respond to the educational process at a most formative time in a child's growth. For a School District to withdraw from such a program is to negate two of the most vital areas of a child's need and growth, health and education. Thus, the CAC must take the position of being supportive of the injunction of the court toward the Modesto Board of Education that it make provisions for free lunches to all children of families whose income is less than the OEO guidelines for the poverty level.

The CAC would point out that the court allows for the establishing of new guidelines as long as they are not based on the number of free lunches the Board of Education felt it could afford rather than on the existing need in the district as required by law. It is also the feeling of the CAC that there has been no real attempt by the Board of Education or its administration as to what is the real need that exists in those target areas where the low-income and poor families reside. (Attached to this report is the result of a random sample survey which was done in one target area by the CAC this past week.)

III. The Modesto Board of Education's original reason for withdrawal from the National School Lunch Program (NSLP) was cited as being unable to budget the amount necessary to carry out the program under the injunction of the court. To remain in the NSLP would cost the district $19,000 according to its superintendent. Protesting the Board of Education's withdrawal from the NSLP the CAC presented to the Board at its March 16 official meeting an offer of $20,000 from a grant to be provided by the National OEO through the CAC if it would prevent the school district from withdrawing from the NSLP. (See attached letter.)

Mr. Neil Bodine, Executive Director of the CAC, gave the following unbiased reasons for the Board of Education to reverse its previous action and to re-enter the NSLP:

1. To withdraw from the NSLP by refusing to take a prudent risk is to jeopardize the learning of some 2,800 children in the Modesto City Schools. The prudent risk may be defined as building up the community's expectations and not be able to meet it, however, it is a risk with which the low-income people were willing to take if the Board would have assumed it.
2. To withdraw from the NSLP would jeopardize the many bills before state and national legislative bodies which would allocate millions of dollars for the lunch program and thus conceivably can endanger the lives of many children in the nation. This has strong moral implications as well.
3. To withdraw from the NSLP would seriously jeopardize the Emergency Food-Medical Service Program of the CAC and cause it to close by October when the need starts to become greater in our county.
4. To withdraw from the program may well fracture and polarize our community and further reduce the confidence of our people in its own governmental bodies and the democratic process.

The offer of the $20,000 would in no way add to the burden of the taxpayers or would its acceptance imperil the District School budget. It is an offer made to enable the Board of Education to remain in the NSLP for the remainder of the school year and in no way commits the Board to continue in the program in the fall of 1970. It would, however, restore the much needed confidence of our people in the Board of Education and would enable the community as a whole to concern itself in acquiring funds, federal, state, and local, to continue the program in the fall. It was a "no strings attached" offer by which the Board of Education could have by its acceptance set the stage for a community wide cooperative endeavor to seek the funds necessary to continue the NLSP for the ensuing year.

The Board of Education's failure to place this matter on the official agenda of March 16 and to allow an official discussion of the offer but to let it die without a motion was saying to the community it was refusing the CAC offer.

IV. In submitting the above position of the CAC Executive Committee, I wish to make a personal observation. Throughout this controversy, the president of the Board of Education has reiterated that "it's a total community problem, not just the schools." To this I will concur though not exclusive of the Board of Education as a part of the representative community. No one desires that anyone should go hungry and above all children. In presenting the $20,000 it afforded the Board of Education to assume in the community not only an obligatory role but indeed a moral one in saying, "we do not want to see any child go hungry." At the same time the Board of Education could have placed the responsibility for the future funding of the NSLP in the school district where it should rightfully be, with the community. There are several organizations in the community, "Citizens to Feed Hungry Children," "Citizens Disaster Relief Committee," "Committee to End Hunger in Stanislaus County," which have concerned themselves in this community over this problem. In a smaller meeting of a cross section of representative Community people of both the middle-class and low-income people prior to the public meeting of March 16, 1970 there was a verbal agreement that a community response could be truly envisaged to meet this and many other problems that are the root causes of hunger and poverty among our people. It is disappointing that this confidence was not upheld by the Board of Education when it was asked to remain in the NSLP and provide the incentive whereby a community action response might well have brought greater unity in our community.

I wish to express to the Select Committee on Nutrition and Human Needs of our United States Senate for coming to Modesto and allowing us to share our concern for the vast problems of the poor, my personal gratitude for its deep interest in such a perplexing and yet most relevant issue.

Senator McGOVERN. Now, our final witness this forenoon is Mr. James Hemphill, who is the supervisor of food services, the department of education, the State of California. Mr. Hemphill?

Senator Javits, who is the ranking minority member of this committee, has sent a message which I would like to read into the record:

I regret that previous commitments did not allow me to attend the hearing this morning. I commend all of those in Modesto who are working to bring about a climate of understanding to the end that needy children, all children, will receive lunches. Senator Javits of New York.

STATEMENT OF JAMES HEMPHILL, SUPERVISOR OF FOOD SERVICES, DEPARTMENT OF EDUCATION, STATE OF CALIFORNIA

Mr. HEMPHILL. Senator McGovern and staff members, I am James Hemphill, chief of the bureau of food services for the California State Department of Education, and in that position I am responsible for the administration of the national school lunch and other federally financed child nutrition programs in California.

I received an invitation to participate in this hearing only last Friday. Therefore I very much regret that I do not have a written statement to file with the committee.

During the past 2 years California has made significant progress in providing more needy children with free and reduced-price school meals. Three years ago approximately 60,000 children were receiving such meals in California, representing a little over 7 percent of the total meals served. In January of 1970 we were providing 175,000 such meals daily, which represents approximately 20 percent of the total meals served.

Three years ago we had 13 breakfast programs operating in the State, reaching 1,400 children with free and reduced-price breakfasts. In January of 1970 we had 121 breakfast programs, reaching 14,000 children per day.

This improvement is encouraging. However, we have a long way to go. A minimum of 500,000 children in California should be receiving free and reduced-price school meals.

Senator McGOVERN. What was that figure, Mr. Hemphill?

Mr HEMPHILL. 500,000 at minimum.

Senator McGOVERN. That should receive it free, and those are children from poverty-level——

Mr. HEMPHILL. Yes, AFDC or below.

Senator McGOVERN. Now, how many of those, was it 500,000, how many of those are you presently feeding?

Mr. HEMPHILL. In January, 175,000.

It would cost approximately $35 million per year to furnish these lunches. Several bills are being considered in the State legislature and would make at least a start in meeting this need.

A second major problem of the child nutrition programs is how to extend their benefits to more children from low- and middle-income families. Certainly priority should be given to meeting the needs of children from low-income families, that is, AFDC or those with comparable incomes. However, there are many families who do not qualify for or will not accept public assistance, but who just cannot afford to pay 40 cents per lunch for four or five children. These families are the producers, those who pay the taxes to finance free lunches for needy children, and yet very often their children are excluded from participating in the school lunch program.

One very clear lesson learned from the special assistance program is the fact that when the lunch charge is reduced by from 10 to 20 cents, pupil participation doubles. At the same time the requests for free lunches decreased.

Serious consideration, therefore, should be given to reducing the lunch charge to all pupils in order to bring the lunch charge within the reach of more families while at the same time reducing the need to provide free lunches.

A third and increasing problem of the child's nutrition program is the determination of those pupils who are eligible to receive free or reduced-price lunch. The interpretation of income scales, the identification of unmet need and the definition of what constitutes a household, are areas in which welfare people are more knowledgeable than our school people. Consideration should be given to legislation and funding which would authorize county welfare departments to certify to school districts the names of those children who should be provided free or reduced-price lunches. The school district would then provide the lunches, and then at the end of the month bill the welfare department for the cost of the lunches. [Scattered applause.]

Fourth, special assistance programs must be redesigned in order to follow the child. We just can't continue to live with the "needy school" concept. Many districts are dispersing their needy and ethnic groups. Others are presently under court order to do so. We can define, I believe, needy children or needy families but I am not sure any more what we mean by "needy schools."

Finally, in order to reach all needy children, the 25-cent limitation on special assistance reimbursement of the cost of food, whichever is the lesser, should be changed, removed. Many districts cannot provide the 15 or 20 cents per lunch necessary to finance free meals for needy pupils. An alternative might be to require State matching of funds for this purpose, and again there are several bills in the State legislature which would help to meet this need.

The sums of money required to furnish free and low-cost nutritious lunches to pupils are large. However, even larger sums are required to finance public education. If it is true that you can't teach a hungry child, how much of general education funds are dissipated because pupils sitting in class are hungry or, at the very least, undernourished?

That concludes my statement, Senator.

Senator McGovern. Thank you, Mr. Hemphill.

I missed your statement as to what the estimated cost would be if California were to feed all children in so-called poverty-level families?

Mr. Hemphill. $35 million.

Senator McGovern. $35 million above what you are now doing?

Mr. Hemphill. No, that would be in total. That would be in total.

Senator McGovern. That would be in total. So how much of an increase does that represent above what is now being done?

Mr. **Hemphill.** Well, currently we are receiving in terms, for the specific purpose of free and reduced-price means, approximately $6 million in Federal funds and approximately $3 million is furnished by local school districts. At the present time we have only $500,000 in State funds for this purpose, so it is a little over $9 or $10 million.

Senator **McGovern.** That you are presently getting?

Mr. **Hemphill.** That is correct.

Senator **McGovern.** So that means, then, that you've got to find another $26 million. Now, is that Federal money?

Mr. **Hemphill.** I haven't specified. I just indicated the cost.

Senator **McGovern.** Yes, but do you think a significant portion of that might be forthcoming from State funds, or from local participation?

Mr. **Hemphill.** Not a significant portion. There are indications that we may get approximately $6 million in State funds for school lunch purposes, or more than that, for reaching needy children and, specifically, AFDC children.

Senator **McGovern.** And those would be either free or reduced-price lunches.

Mr. **Hemphill.** That is correct.

Senator **McGovern.** Mr. Hemphill, at a school board meeting on March 16 Dr. Corona said that as a result of this lawsuit the school districts had lost some $20,000 in State and Federal funds. As I understand it, he said that you had told him that these funds had to be distributed to other districts, because of the tieup under the lawsuit. Is that an accurate picture of what the situation really was?

Mr. **Hemphill.** It is approximately accurate technically. We had indicated, not in connection with the lawsuit at all, but just a matter of course, that the districts which were not effectively using special assistance money would have the funds withheld and it reapportioned to other districts. In other words, the Department of Education has the responsibility, obviously, of making the most effective use of the special assistance funds, and those districts that do not or cannot perform, you see, should not hold the money and have it revert at the end of the year. It should be allocated to districts that have demonstrated a need and are performing. And on the basis of performance at that time—and I believe this was in November or December, I have forgotten the specific date—there were indications that Modesto would not use its total entitlement, and so we asked them and indicated to them that we were withholding that pending justification for its use.

Now, their point was that they could not use it, they could not expand their program, because they were under court injunction to maintain it at the same level, so if they could in fact have used the money and it still holds, we would release it.

Senator **McGovern.** Well, what I am trying to get at is the reason why the funds were withheld. Dr. Corona said it was because of the lawsuit.

Mr. **Hemphill.** I think indirectly his point is correct, but I don't like to use the term "withholding." Technically it was, shall we say, a freeze. We simply wanted an indication—and this goes beyond Modesto—we wanted an indication from the districts that had received entitlement of special assistance funds that they would in fact use them this year.

Senator McGOVERN. Well, did you tell the school district, Mr. Hemphill, that if they would comply with the court order that you would increase the amount of section 11 funds that they could receive this year?

Mr. HEMPHILL. This had nothing to do with the court order. My letter to them and the tentative hold on the money had nothing whatever to do with the court order. This same notice went to a number of school districts not involved in a suit.

Senator McGOVERN. But it is a fact, is it not, that at any time the Modesto school district had requested funds, special assistance funds, you would have made it available to them?

Mr. HEMPHILL. Yes, sir.

Senator McGOVERN. There is no question about that?

Mr. HEMPHILL. No question about it, and that still holds.

Senator McGOVERN. So to argue that the court decision made it impossible for you to provide those funds is not correct?

Mr. HEMPHILL. Well, again, I don't want to quibble on this. I don't want to quibble, but they indicated that the reason they could not use the money at the time it was withheld was because they were restricted in what they could perform. This is my understanding. Perhaps you might ask Dr. Corona on that.

Senator McGOVERN. Well, I am not trying, believe me, Mr. Hemphill, to engage in a semantic argument. But to try to clarify your position, as far as you were concerned, funds could have been made available from special assistance funds that were not used, and the school board position, as you understand it, is that they felt they couldn't use those funds because of restraints of court. It that a fair picture?

Mr. HEMPHILL. Yes.

Senator McGOVERN. Well, that is all we are trying to get at is what the situation was.

Mr. Hemphill, the committee was given a letter that you sent to Dr. Corona on March 13[1] in which you said in the opening paragraph of that letter:

> In reply to your letter of March 7th, the U.S. Department of Agriculture has insisted that board policy statements regarding free or reduced-price meals for needy pupils be spelled out in detail.

And then you added:

> While I do not agree with this requirement, I have no alternative but to comply.

Now, the question I would like to ask, which is a legitimate concern of this committee, is whether you think it encourages compliance with Federal regulations in this program, which after all is a Federal-State program, when the State director of the program says he doesn't agree with the regulation? How do you get compliance with Federal regulations if you as the State director of the program begin by telling a local school district that you don't agree with the regulations?

Mr. HEMPHILL. Well, the regulations, I have no disagreement with the regulations that required written policy and procedures by local school districts. What I meant was that at the time that was written, and that was some time ago, that was some time ago when we were very early involved in this whole procedure last year of developing these written policies, what I objected to was requiring the written detail, written specifics in the form of the implementation in administrative procedures to be filed with the Department of Education.

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[1] See p. 446.

What I am saying is that the basic policy statement, we put out guidelines on this, and they touch on every point of the written Federal regulations and requirements. They protect the anonymity of the children, and income scale, and indication of the personnel responsible for making determinations. These were detailed in our guidelines, and to go beyond that in those specifics of the time of the collection of money in this type of thing, that is what I was objecting to, not the basic requirements for written policy and the basic points covered.

Senator McGovern. Well, thank you very much, Mr. Hemphill, for your statement.

Let me just say by way of conclusion here this morning that I think this entire hearing, while it has revealed some very sharp differences of opinion as to what is at the base of the difficulty here, what every one of these statements has done is to provide dramatic testimony of the need for fundamental reform in our school lunch program. I think it is a clear call upon those of us in the Congress to enact the bill that passed a few weeks ago by the U.S. Senate.

And it also raises again what seems to me to be a growing problem in our country about where we are going to place our national priorities, what it is we think is important, what it is that we think we are willing to pay for. I think any country that can seriously afford to think about putting $4 or $5 billion into a project like the supersonic transport planes to speed people on their way to Paris ought to be able to feed hungry people. [Applause.]

Mr. Hemphill seems to me to have placed his finger on the crux of the problem here in California, that roughly two-thirds of the children from poverty-level families in this State do not participate in a school lunch program of any kind. Now, that is an improvement over when the committee was here a year ago, but there is still something wrong, it seems to me, with a program that reaches only one out of three of the poorest children in a great State like this.

Now, that is a challenge to the people of Modesto. It is a challenge to the people of California. It is a challenge to this committee and to the Congress of the United States.

The President a few weeks ago make a pledge that he was going to do what he could to see that every hungry child in the schools of this country was fed by next Thanksgiving, that we reached that goal. Now, we are not going to reach it with the present funding requests that have been sent to us by the administration, and I am very hopeful that out of this hearing and out of others like it that we can persuade our national leaders, that we can persuade the House of Representatives to act on the legislation that has already cleared the Senate and provide adequate funding with uniform national standard across the country so that at long last we can achieve what we said we were going to do when we first passed the national school lunch bill 24 years ago, and that is to provide a nutritious meal for every schoolchild in this country. If we can serve that, then this hearing and others like it will have been worth while.

I want to thank the witnesses on all sides of this issue who have agreed to participate, and to thank our guests for your courtesy during these hearings. The hearing is adjourned. [Applause.]

(Whereupon, at 12:30 p.m., the hearing was adjourned.)

School Board Meeting, July 21, 1969—At Issue: "Who Can Modesto Afford To Feed?"

Chairman. The meeting will please come to order. This is the time of the meeting which has been set aside. If the room is not quieted immediately, I will have the room cleared. This is the period of the meeting set aside for public discussion and anyone who has anything they wish to bring before the Board which is not part of the regular agenda. Does anyone have anything to say please?

Phil N. I'd like to place a number of objections. First * * *

Chairman. If you have something to say, Mr. Neumark, would you come to the microphone, please and identify yourself.

Audience. We don't know you. You've never been here before. See what's going on here * * * a MAPA or Hitler or what. (Laughter.)

Neumark. I—I came here under the impression that this was an open meeting. I've learned differently. For the first time since I've been here the room is apparently closed to the—you know—to the members of the general public and I'd like an explanation from the School Board. And secondly, I'd like to know why there are policemen here. That gentlemen is a policeman. At least he identifies himself as a policeman. I—I mean is this—is this what happens when—when—when poor people come to the meeting that there are policemen and and all of a sudden new rules never heard before. Is that what happens when the poor people come to the School Board meeting?

Chairman. We normally do not have a question and answer period during the public discussion, Mr. Neumark; however, I resent the inference that there is a difference between poor people and other people, and I resent it. Secondly, the fire marshal has been here and he has warned us since the last meeting that if the room is occupied by more than 49 persons he will close down the meeting and that is something I don't want to happen because we happen to have a very important meeting this evening.

Neumark. It's very strange that the Fire Marshal appears on the same night that the poor people appear. He wasn't here when the gym teachers were here to—to get more basketball courts, or when the architects come and, you know, when the kids were here with the long hair, they were sitting all over the room. You'll notice that seats have been removed, there's plenty more room in here for people.

Chairman. * * * that the Fire Marshal warned us.

Neumark. And did anyone try to make * * * when were you notified, I mean, did anyone try to talk to the Fire Marshal; did anybody try to get larger quarters? I mean, you knew, people knew that there were going to be more than 49 people here tonight. The school lunches are very important. Well, then you don't know how important the school lunches are to poor people if you didn't suspect that there would be more than 49 people here tonight.

Audience. (Wilson) The agenda came out at 5:30 today. Is that ordinary. And I don't even see one passed out. * * *

Chairman. You're out of order, Mr. Wilson.

Wilson. I'm sorry (muddied audience discussion in background).

Chairman. I have information that the Fire Marshal was here on Friday and posted the sign.

Neumark. And since that time there have been no accommodations to larger quarters. I mean, I used to come here and see beautiful buildings being built. Certainly one of those rooms would hold more than 49 people and certainly if this Board were aware of how important school lunches are to poor people, they would have known that more than 49 people would have been here tonight.

Chairman. I think that the Board is well aware of how important the free lunch program is. Mr. Wilson?

Wilson. Well, first of all I would like to ask why the fire department here, the police department's here and why is all the big, you know, I'll ask you again the same as Phil did, why the Police Department, why the Fire Department, and why 49 people allowed in one room? That's three questions I'm asking you. Now, will you answer it?

Chairman. The Fire Marshal is not here. He was here.

Wilson. His representative is here, I believe it's the colored fellow right there. Now, the Police Department, he take me outside a moment ago. Now what about the Police Department. They usually attend your School Board meetings?

Chairman. Sometimes they do.

(Comments, laughter and handclapping in background.)

Wilson. Well, he's not on our side, so I mean, he must be on some side and it's not ours so it must be the school board. Now why is the Police Deparment here tonight?

Chairman. I don't think I have to answer that.

Wilson. You don't have to answer it. Ma'am, this is open session, isn't it?

Chairman. Yes, but I * * *

Wilson. * * * and I'm asking you a question. Now what is the ques * * * what is the answer?

Chairman. * * * under public discussion, Mr. Wilson.

Wilson. Everything you do is not under public discussion. I come here tonight to talk on free lunches.

Chairman. You will have that chance when it comes up on the agenda.

Wilson. But you want to take half my people and put them out there in the gutter like you have before. A kid ain't got enough money for free lunch and you're goin' to say, now go on baby forget it.

Voice. (Man) That's your hard luck.

Wilson. Well, I know it's my hard luck. That's the reason I'm bringing old luck to the board tonight. But I mean * * * then the third question, you see. I'm just asking you simple questions. The Fire Marshall, The Police Department, you know. Why all of this because we're talking about free lunches? You know, you talk about discrimination. Discrimination has been talked about in this country, way back in Mississippi, Georgia and all around. These are poor people I brought with me tonight and poor people wanted to come here to hear. Why not let the poor people in and let them hear and if they've got a question let 'em, let 'em be answered too. Let them get up and say their piece. That's the reason they came here. They didn't come here to set all up out there. They came here to be heard. Let 'em come in, we can make room. I'll put two on my knee if I have to. There's a whole line there in the back they could stand back there. If someone else is not concerned about free lunches, let 'em step aside for a moment. Let the rest of the people come in and sit down. Let 'em be heard. That's what the people are here for tonight. It's not * * *.

Male voice. Mr. Wilson, the reason the police are here tonight is because in recent weeks, this Board has not received the due respect that it is due, and we have asked these people to come to help us to assist in keeping order in this room. The reason the chairs have been removed is because the Fire Marshall has warned us and has come to the point where he has said there will be 49 people in this room. Now, if you want to go change the State Law you have that right to do so.

Wilson. I don't make the State laws, Mr. Corona.

Corona. * * * explicit. A room of this size, with one exit, can not house more than 49 people.

Wilson. Unless you're talking about a * * *.

Corona. * * * violated the law, we have been warned and we've come to the point. It happens to be coincidental. That is, this issue. Now, if the Board chooses, we can relocate and postpone to another meeting and relocate so you can all those who'd like to * * * We're not trying to * * *

Wilson. If you can * * *

Corona. * * * do anything. This is a public discussion. Now, that's the reason why * * *

Wilson. Mr. Corona, if you can convince 20,000 people that that is the cause, I'm a hundred percent with you. I'm a hundred percent with you. Would anybody else like to speak on this issue? Mr. Parrish?

Chairman. I think I'm conducting the meeting, Mr. Wilson.

Wilson. I have the speaker, don't I?

Chairman. If someone wants to speak, they will please address the chair.

Wilson. Alright.

(Background talking from audience etc.)

Chairman. Yes, Mr. Parrish.

Parrish. Yes. Of course, I have the same objections that Mr. Wilson and Mr. Neumark had and I would like to follow up on Dr. Corona's suggestion and urge the Board to—to relocate the meeting. I think there are a number of facilities in Modesto and some on the Westside that would accommodate a larger group. You know, the Westside Center comes immediately to mind. But I think again this is an issue that is, you know, very important to many people and it would be a real crime to, you know, keep them from attending.

Chairman. All I can tell you is that I will have to conduct what part of the meeting that I must have until we get to the free lunch program which is part of the agenda and the Board * * * I will poll the Board and ask their decision on whether they want to postpone another week and relocate to another place.

Parrish. Well, I think * * * I think * * * I think too though that, you know, you can't separate the school lunch issue from the rest of the agenda because all of these items are urgent in the sense that the budget has to be in by a certain date and so on.

Chairman. We have things that must be done tonight, Mr. Parrish, which cannot be put off for another meeting.

Parrish. Well * * *

Chairman. We have bid openings tonight; we have our publication budget to bring up * * *

Parrish. Isn't it poss. * * *

Chairman. And we simply cannot postpone this another meeting.

Parrish. Isn't it possible, though, that the meeting could be relocated tonight?

Chairman. No, sir, it cannot. Because the place and the time have already * * *

(Unintelligible discussion in background.)

Chairman. Mr. Neumark, you are out of order.

Neumark. I'm just speaking to Mr. Parrish.

Chairman. You sit down. (Short background murmur) YOU SIT DOWN. (background murmurs) No, you don't have the right. You are an attorney, that's one thing, but when Mr. Parrish is speaking to the Board and expects an answer, I expect you to respect him and the Chair.

Neumark. Mr. Parrish is my client.

Chairman. * * * understand my answer Mr. Parrish?

Parrish. Uh, uh, no, I didn't.

Chairman. I'm sorry, there's so much talking I didn't know whether I had been heard or not and I don't like to shout. The agenda, the meeting place and the time are published and once they are published prior to the meeting, they cannot be changed within a 48 hour period. Now, I will poll the Board before we get to the free lunch part of * * * the free lunch program part of the agenda and if they want to hold that item over to another time, it can be next Monday night or whatever time the Board decides, I will poll them and if they care to do it, it will be so done. If they choose not to, we have a majority of four members of the Board here tonight, then it will be taken in its regular sequence.

Parrish. Yes. Uh, well you know the second, you know the second point that I raised about uh—uh you know, certain budget items had to be in tonight, is this so?

Chairman. Yes, publication budget must be decided on tonight.

Parrish. Well, do we—we—we think * * *

Chairman. Because our next meeting is not designated until August 4 and it must be in the hands of the County Superintendant prior to that date.

Parrish. Right. Well, see, you know, we feel that the school lunch issue is directly linked to the budget and that they really can't * * * if it's discussed at a later date well certainly any funds * * *

Chairman. Well, then, we have no choice.

Parrish. * * * you know, would be reallocated.

Chairman. We have no choice.

Parrish. Well, of course, I'm very concerned in that, you know, at last week's meeting which, you know, as * * * as uh * * * as the uh the presence of the police indicate was quite hectic. Uh, you indicated that we would have a, you know, completely open discussion on the free lunch issue and I—I—I don't see how you can do this when people are forced to stand in the halls.

Chairman. Well, when the peo * * * some people who are in the room and they have their chance to speak then maybe they can step out and somebody else out in the hall who wants to speak may come in and do so.

Parrish. Okay. Would this—would this apply not only to the people * * * the poor people who are here but also the representatives * * *

Chairman. I wish you * * *

Parrish. Of the School District.

Chairman. * * * wouldn't refer to them as poor people. They are citizens and taxpayers of this county of Stanislaus * * *

Wilson. And they are poor people.

Chairman. And they are no different than anybody else.

Parrish. I was making a distinction for you.

Chairman. Are you through?

Parrish. Uh, yes I'm through. I'd just like to say one other thing. I hope that in calling the police here that you cautioned them to use some restraint.

(Quick Board discussion with several "yesses")

Chairman. Yes.

Lowenstein. There was a reference made before to State law. There is a state law called the Brown law which requires that meetings of a body such as this be open meetings. It is my personal opinion—uh—in fact, my legal opinion that under these circumstances—uh—in the case of a meeting which certainly the Board had full reason to know was going to be dealing with an issue of great public interest, that to hold that meeting in a room that will only accommodate 49 people is not complying with the Brown law. I think that if this meeting continues tonight, under these circumstances, there is a substantial chance that none of the business at this meeting will have been legally transacted. I think that the statement made by the Chair earlier, with all due respect, is in error when you say that the meeting cannot be moved to another place because the time and place, the 48 hour notice has been given, the meeting has been convened in this place, there is nothing in law or in practice that I am aware of that would prevent the Chair from adjourning the meeting to another place at this time and, if there are fire laws that prevent all the people who are interested in this issue from being here, it seems to me that that would be a perfectly reasonable step to take, to adjourn this meeting and have it re-open in say a half an hour at the Westside Center or any other place that would be convenient to the Board that would accommodate the people. Thank you.

Chairman. We are ready to * * * Are you through? We have to move on to the meeting.

Wilson. Mrs. Kirschen, the gentleman asked you a question. Was you listening?

Chairman. I was listening.

Wilson. No, I don't believe she was.

Chairman. No, I'm not * * *

Wilson. No, I don't believe she was.

Chairman. I'm not going to adjourn the meeting, Mr. * * *

Wilson. We came here tonight, Mrs. Kirschen, we came here to discuss free lunches.

Chairman. You will.

Wilson. To be heard tonight. You told me last week I would have a whole hour if I wanted it, two hours if I wanted it.

Chairman. I didn't say two hours.

Wilson. You said, all the time you need. Then I don't even get five minutes on it. We're talking about bringing people in off—in off of the street.

Chairman. Mr. Wilson! * * * one thing please.

Wilson. Then you made up a fire law ——— in this building. I don't know what kind of fix you're trying to fix. But he explained it to you right there. If you can't have one meeting, you can't have no meeting. Did you understand what he was trying to tell you?

Chairman. I understood perfectly well.

Wilson. You didn't understand what he was trying to tell you.

Chairman. * * * discuss free lunches * * *

Wilson. * * * The Brown Act you know if it's an open meeting, it's an open meeting. And if you ain't got enough room here, move it down the street.

Chairman. I would like to disagree with the attorney who just spoke.

Wilson. I'd like to hear your * * *

Chairman. I also know that the Brown Act said there may be no closed sessions of any public body unless an executive or personnel session. This is an open meeting and if the room can't accommodate them, I'm sorry. But that was * * * the place has been designated, we have bid openings at eight o'clock and I will not adjourn the meeting.

Wilson. There's more people want to hear it.

Male Voice. Mr. Wilson's five minutes is up now * * *

Chairman. We are going to have to move on now with five * * * just fifteen minutes instead of five minutes for public discussion. We are going to have to go on to the meeting and we will discuss free lunch at the time that it comes up on the agenda.

Wilson. Well, let's ask a few of the parents and see what they think about it. You know, this is supposed to be open meeting. Virginia! Get up here and say a couple of words here. That's right, get up here, well, what's your opinion, Virginia?

Chairman. Mr. Wilson, will you please sit down. Mr. Wilson.

Wilson. Well, let's take a vote on it. Raise your hand if you think we should stay here.

Chairman. Mr. Wilson!

Wilson. Alright. ——— Let's hear you out in the hall there.

Come on, Yea!

(Shouts of Yea! from the hall.)

Wilson. Bring 'em all in out of the hall.

Chairman. Mr. Wilson. You are out of order. Please sit down so that I can conduct the meeting.

Wilson. Ma'am, I'm talking about free lunches and I've got all these people out there in the hall and they want to come in and hear it.

Chairman. * * * discuss free lunch until it comes up on the agenda. You were told that at the last meeting.

Wilson. Ma'am, we ain't even seen no agenda yet. We wasn't told one hour ago till we got the little message we got.

Chairman. We're going to move on to the meeting. Is there anybody who would like to hold anything on the dissent agenda?

Wilson. Your going to ——— in front of the whole crowd. Is that it?

Male voice. D–3. I would like to know a little more about that.

Chairman. Alright. I have a question on A–2. A–2 I have a question.

Wilson. Free lunches I believe. If we can be heard first we can clear this whole mess up real quickly.

(Voices: We didn't come to hear the rest of this., etc.)

Chairman. Does anybody else want to hold anything on the consent agenda? Do you have anything you want to * * *

Wilson. I know they can't be heard Mr. Andrews.

Chairman. * * * may I have a motion?

Male voice. Yes. I'll move the consent agenda with the exception of A–2, it was?

Chairman. Yes.

Male voice. * * * and E * * *

Wilson. I'd sure like to say a couple of words, Mr. Andrews.

Chairman. Is there a second?

Voice. Second.

Chairman. It has been moved by Mr. Rose and seconded by Mrs. Knowles that we accept the consent agenda holding items A * * *

Wilson. There was a * * * lawyer * * * that was breaking the law. * * * they don't pay no attention.

Chairman. * * * opposed? So carried.

Mr. Rose. Mr. Wilson. Mr. Wilson.

Wilson. Yes, Mr. Rose.

Mr. Rose. If you have any civility at all, if you have any regard for democracy, you will sit down.

Wilson. Democracy! I pledged allegiance to that flag just a moment ago. We got up and pledged allegiance to the flag and you're not paying no attention to the flag. You know where we stand. ———

Rose. If you have any knowledge * * *

Wilson. Knowledge! You pledged allegiance to the flag, didn't you. You brought the knowledge.

Rose. What makes a public meeting * * *

Wilson. * * * republic we stand.

(Remarks by Board and audience too muddled to understand)

Chairman. Mr. Wilson. I'm going to have to ask you to sit down. I have tried very hard to start the meeting and to keep it as decorous as possible. You had your answer before. This is one of the reasons that police officers were asked so that we could maintain order and decorum in the Board Room. I do not wish them to act nor do I want to act, but you are disturbing the meeting which is a public one. I am asking you now please to be seated and when the free lunch program comes up you will be given ample time to talk.

Wilson. But you're leaving my people in the hall out there.

Chairman. I can't help that.

Wilson. You don't want to ——— the 49 people here.

Chairman. I had nothing to do with it.

Wilson. Somebody had something ——— for three months.

Chairman. Mr. Wilson, you are trying my patience.

Wilson. I'm trying your patience but you're making the rules.

Chairman. I am not making the rules. It was posted when I got here this evening. I asked about it and they said that the Fire Marshal had been here on Friday because of the prior two meetings and had said that this room will hold no more than 49 people because there was only one door for ingress and egress and it is against the law to have more than 49 people in the room.

Wilson. Well, Mrs. Kirschen, you just admitted that this program is calling for a bigger room for a bigger party. Now why didn't you prepare for this ahead of time. Now, you're supposed to be an intelligent woman. Why didn't you get a big ballroom so that everybody could be there. Now, if you knew this beforehand why didn't you prepare for it instead of putting up 49 people is a limit to a room. Now, you knew that there was going to be a lot of people here tonight and a lot of people want to hear about this free lunch but—no—you'd rather go to a little biddy room ———, where there would be five people—just the boys.

Chairman. Mr. Wilson, this is the room which is designated as the Board Room of the Modesto City * * *

Wilson. Ma'am, you said yourself that there would be more people here. Why didn't you get a bigger room?

(Comment in background.)

Wilson. Alright. Mrs. Kirschen ——— Mr. Andrews hold your meeting.

Chairman. I have every intention of holding my meeting.

Audience. It is your's too. [Laughter.]

Chairman. The public discussion is over.

Audience. Really! I'm not through though. I want to talk * * * 49 how come you got that man to bring 50 chairs in here. Yeh. Yeh. You got too many chairs. One too many chairs etc. etc.

Chairman. You are all out of order, and I would like it quiet now so we can get on with the meeting.

Parrish. I very strongly resent that because I didn't have my mouth over my hand.

(Loud laughter and comments.)

Chairman. We will take Item 1 which is the annexation of the Fred C. ——— High School, and I wish to warn the Board members that we have six minutes and we will stop all discussion because we have bid openings at eight o'clock.

(Laughter and comments from background.)

Chairman. Mr. Wilson, if you interrupt the meeting again without permission to speak from the Chair, I am going to have to have you put out of the room. You cannot interrupt the rest of the meeting.

Audience. * * * in the chair.

Chairman..And I don't think that's funny either.

Audience. I do.

Chairman. You want us to get to the free lunch program this evening and we will but you must give us a chance to put on the rest of the business which comes before it.

Wilson. Mrs. Kirschen, could I see of the programs we got to go with tonight. Will you pass them out?

Chairman. I understand that you were given an agenda.

Wilson. No, ma'am, I wasn't.

(Background comments.)

Chairman. Do you have any extra copies of the agenda.

(Comments.)

Male voice. They are on a table behind Mr. Neumark.

Wilson. Well, pass them out.

Audience. Come on, Phil, pass them * * *

Wilson. Let's pass * * * pass the agenda out so we know where everybody stands. ——— I'd be first.

(Laughter.)

(Much quiet background murmuring.)

Chairman. Who is going to make the presentation on the Fred Byers site?

Board Conducts Business on Above

Chairman. Excuse me, Mr. Eaton. Would you please keep your voices down in the audience so that we can discuss this item on the agenda.

Board Continues To Discuss Business

Board Member. * * * But once we annex then the county is out of the picture. Because of the size of the properties involved it is possible that should the school district vote negatively * * *

Wilson. Uh uh * * * hold it. Hold it. Hold it.

Chairman. Mr. Wilson, you are out of order. Sit down.

Wilson. I'm not out of order. That man brought in his chair and that's the fiftieth chair.

Chairman. Please sit down, Mr. Wilson

Wilson. Hold it. Hold it. Hold it. We said 49 seats and that man is sitting out of order right there.

Audience. That's right.

Wilson. You'll have to sit outside, sir, I'm sorry.

Male voice. This gentleman was sitting in the back of the * * *

Wilson. There's forty * * * I don't care where he was sitting. There's fifty seats in here and that's the fiftieth one right there.

Board Member. Mr. Wilson * * *

Chairman. Mr. Wilson, I'm going to have you removed from the board room.

Wilson. All right. I don't care what you do. That's the fiftieth seat. You said forty nine seats and the Fire Department * * * you can't have me removed. The Fire Department said 49 seats and that's the fiftieth seat * * *

Chairman. It so happens that Mr. Howe is a member of the staff of * * *

Wilson. I can't help who he is. You said fifty seats and that's the fiftieth seat. ——— That's the fiftieth seat right there.

Rose. Mr. Wilson * * *

Chairman. I'm going to * * *

Wilson. Mr. Rose.

Rose. Mr. Wilson.

Wilson. Mr. Rose.

Rose. We have had enough * * *

Wilson. That is the fiftieth seat. You ain't had enough. I've had enough. You left all my people out in that damn hall there * * *

Rose. This gentleman is here for the bid openings * * *

Wilson. I don't care What he's here for. You said there's 49 seats. Now, Mrs. Kirschen, you said the same thing. * * *

Rose. Mr. Wilson * * *

Wilson. * * * fifty seats, and that's the fiftieth seat * * * you brought it. * * *

Rose. Fifty in the audience, Mr. Wilson.

Wilson. No! Fifty seats, I'm counting every one of yours.

Audience. * * * we can move our chairs up there and they can bring some more in.

Audience. Yeah.

Wilson. * * * going to leave the rest of them out there * * *

(Loud conversation from audience.)

Chairman. Sergeant Williams.

Wilson. Go on, Mrs. Kirschen, have me arrested.

Chairman. I'm not going to have you arrested, I'm just going to ask Sergeant Williams to ask you out of the Board Room until such time as we get to the free lunch program.

Wilson. You move that fiftieth seat and I'll move.

Sgt. Wms. Mr. Wilson, I'm going to ask you stand outside (voice too soft to pick up).

Wilson. What would be the grounds?

Sgt. Wms. (Reply too soft to pick up.)

Wilson. You heard her say * * *

Sgt. Wms. I'm not arguing * * *

Wilson. * * * I'm not arguing with you.

Sgt. Wms. * * * Let's go. * * *.

Chairman. You are disturbing a public meeting. Under Penal Code 403.

Sgt. Wms. Let's go.

Audience. Illegal; illegal; illegal.

(Shouting and chanting of "illegal, illegal.")

Parrish. I'd like to know how a person can be evicted or arrested for interrupting an illegal meeting.

(Comments from audience.)

Parrish. Would the Chair acknowledge again that this was done at her request?

Chairman. I asked that Mr. Wilson be removed from the Board Room until such time as the free lunch program is brought up on the agenda * * *

Parrish. Very good; very good * * *

Chairman. * * * interrupt the meeting.

Parrish. * * * If there's any liability, then you share it.

Chairman. I am acting in the capacity as President of this Board and I was told that under Penal Code 403, I can have anyone removed from the Board Room * * *

Parrish. You * * * you were * * *

Chairman. * * * for disturbing a public meeting.

Parrish. You were also told that the meeting was illegal.

Chairman. The meeting is *not* illegal.

Parrish. I say—I say—I say again you have very selective * * *

(Cries of "It's illegal" from audience.)

Chairman. It's eight o'clock and we are going to open the bids.

(Cries and comments from audience "Who's the auctioneer" "I bid * * *" etc.)

Chairman. I'm going to have to have order. I don't want anyone else put out of the room but I will if I have to.

(More comment from audience plus "What would you be discussing if we're gone".)

Chairman. Mr. Eaton.

Male Voice. May I have permission to say something.

Chairman. I'm sorry, Mr. ———, we are about to open bids.

(Comments from audience.)

Chairman. Would you open the bids please * * *

(Comments from audience.)

Board starts conducting business with some harassing from audience. None of which is clear.

Business on the bids continues for approximately ten to fifteen minutes on the tape.

Chairman. We are going to have a short recess so that we can find out about the bid on the * * *

(Tape blank for thirty seconds.)

Business on the bids continues * * * for approximately five minutes to a motion, which was approved. Mrs. Kirschen then continues with the annexation of Fred C. Beyer School matter. Discussion is short, a motion made and carried.

Chairman. I would like your attention please. I have not counted the people in the room, so I assume that it is—uh—the proper amount. Sergeant Williams, I had asked that Mr. Wilson be removed from the Board Room prior to the free lunch program discussion; we are now at it; will you ask Mr. Wilson to please come back into the room.

Male Voice. He says he would like Mr. Parrish to speak in his place.

Chairman. I'm not calling on anybody. Mr. Wilson has been invited back in the Board Room and he may come in if he so desires. We have come to the part of the agenda * * * about the Free Lunch Program. Now, I'm going to set some ground rules and I'm taking the prerogative of the Chair to do so. We would greatly appreciate, as members of Board and the staff that worked on this particular thing for over two months, that we would like to have decorum in the Board Room. I'm going to ask, please, that there be no interruptions; that people do not speak out of turn; and please do not speak to each other loud enough so that it can be picked up across the Board Room.

Audience. What did she say?

Chairman. We will have * * * I'm going to have you removed and I'm not kidding. (Laughter.) We are going to have * * * Please sit down, Mr. Wilson, I'm still opening the discussion.

Wilson. I'm sorry, Mrs. Kirschen, I was advised to come in.

Chairman. You were invited to come into the room but not to speak. Yet!

Audience. He hasn't said a word. He ain't said nothing yet.

Chairman. We will have the staff presentation * * * and then the Board will ask questions of the staff of those points which need clarification. We will then have an open discussion and then the Board will decide on what it wants to do concerning the free lunch program.

Parrish. Could I make one brief ——— before we start.

Chairman. No, I'm sorry, Mr Parrish. We're not going to allow anyone from the audience to speak until after the staff has made its presentation and recommendation.

Parrish. The question * * * the question I * * * the statement I'd like to make regards procedure rather than the issue.

Chairman. These are the normal procedures when there is a discussion of this kind and I do not want to change the procedures tonight. We will have staff discussion and recommendation.

Parrish. Well * * * the point I wanted to make is that up until now * * *

Lowenstein. * * * Madam Chairman?

Chairman. No, I'm sorry! There will be no discussion.

Lowenstein. This is not discussion now. The school lunch * * *

Male board member. He is not a member of the Board and he can't call for a point of order. (Laughter and calls of "Hey—you're out of order there" etc.)

Lowenstein. May I speak to the Board * * *

Chairman. A point of order but it has nothing to do with the agenda item.

Lowenstein. That's correct.

Chairman. Alright. What is it?

Lowenstein. The point is that earlier in the agenda when the bids were under discussion, the Board—uh—the Board allowed in some extra people, above the number of 49 who had a special interest in the subject under discussion. There are numerous people outside right now who have an equally special interest in the subject that is about to be discussed. Under the * * * the policy that the Board has just indicated, about fifteen minutes ago, it would seem to me that these people have a right to be in. Or, as was indicated before, the Board could accept its perfectly legal option of adjourning this meeting to another place where all the people could be more comfortably accommodated.

Chairman. The gentlemen who were in the room were people who were bidding on different * * *

(Loud applause from audience)

Chairman. * * * and it was necessary that those men be in the Board Room. I was trying * * * (Loud noise from audience) * * * I was using the prerogative of the Chair by not asking 6 or 7 people to leave the Board Room. But these people are no longer * * *

Aud. male. Are you going to leave these people out in the hall, or * * *

Chairman. I'm going to have you removed if you don't be quiet * * *

Male audience. Please do. We're going to remove you.

Audience. You've had it honey, you're canned.

Chairman. Dr. Corona, would you please start the presentation on the free lunch program and * * * Mr. Eaton, Dr. Elliott, anybody else who was involved.

Male voice. * * * Mr. Quissenberry here.

Chairman. Is Mr. Quissenberry here?

Audience. Yes * * *. Come on, she won't have you removed, Etc. (many comments, unable to read them all concluded by applause and hurrays.)

Chairman. Mr. Summers. Mr. Summers, may I ask you, please, to leave the Board Room so that Mr. Quissenberry may be here and we will call you back as soon as we get to the budget. Thank you, Norm. * * *. We now have the legal limit in the room. One of our staff people was gracious enough to leave the Board Room to allow Mr. Quissenberry to come in for the discussion. Dr. Corona.

Corona. As indicated in the Agenda, we have had a good number of discussions with a good deal of literature submitted to us for review; we have recently met with representatives from the Welfare Department and we have proposed and have made available to members of the audience a series of seven guidelines which we're presenting to the Board for consideration for adjustment to our program in the * * * free lunch * * * area. We've proposed, under Item A, the establishment of * * * the concept of poverty levels currently being utilized in our OEO Head Start Program. Uh * * * this is in contrast to the current program of unmet needs under AFDC. We have experienced some difficulty in identifying under this criterion those who would qualify, the feeling of the representatives of the Welfare Department that the OEO standard is an easier one to determine and to administer and should serve as a good guide * * * AFDC those include in it certain exclusions. This is a standard, as we've indicated, has been approved and * * * we are currently operating by it. Uh—B, we're indicating here that a youngster may qualify for the Free Lunch Program by the submission of an application form by his parents or guardian. We feel that this places the responsibility of the locale, the place, with the person with whom it should rest, does not mean that it will not be sufficient information and simplify technique and process in terms of smoothly implementing this application.

Item C. We propose here that the authorized official will be given leaway to allow up to three school months of entitlement. It will also be within his option to renew this after review and, if in his judgment finds it necessary, a new application may also be requested. Now, this would not be required. We also indicate here that in the case of an emergency, that a principal of the school would have the right and power to grant up to five days of free lunch without application or without approval of the ——— office. We indicate here that the Welfare Department would be invited to assist us.

(End of first tape.)

(Second track of first large tape.)

CORONA (continuing).* * * we feel, at this time in change of guidelines, that we are going to strive for some degree of continuity. We feel it can be best handled if we assign a single individual to this responsibility. It may be possible a year or two to decentralize this operation. We'd like to consider that later. We will make very specific attempts to communicate to all parents in the district the nature of the free lunch program and—uh—the application process. This is something we have not done in the past. We plan to couple this with the annual accident insurance letter that we do send out to all parents. Under G, we are proposing here what we consider to be some alternates in terms of financing. We've indicated that we've made application for $68,000 from federal special assistance, we currently have about $23,000 this year. The note at the bottom of this page will indicate to you that by phone call Mr. Hemphill had assured the district of a minimum of $11,000 here and, very probably, another eleven or a total of $22,000. This is if the federal government comes through with some of the bills which we hope they do. So we are assured, at this point, approximately $22,000. Now, I—I guess I should go back here and indicate to the Board that the projection of costs of this program is not an easy matter. Participation is something that is very speculative.

The best estimate based on the criterion of eligibility proposed here, the OEO proposal, is that roughly 30 percent of AFDC youngsters would probably come into this category—uh—this is speculative at this point but that would mean of approximately nearly 3,000 students, certainly one—in the neighborhood of 1,000 students would be eligible. Now, as to the number that would apply—uh—we're uncertain. It's likely that not all would. I mean, we're speculating, probably not, but we would estimate that—uh—a youngster scheduled for free lunch for a full year would probably run in the neighborhood of 75 to 80 dollars a student. So, it could be as high as $80,000 but we're estimating probably somewhere around fifty or sixty. This is sort of a guideline that we have. This last year, the district transferred from reserve around $15,000—eleven elementary. I think it was about * * *

MALE VOICE. A total of eleven.

CORONA. A total of $11,000. There are some bills currently in the state legislature that would support the free lunch program. We discussed these the other day with Mr. Berryhill and—uh—and—uh—Senator Teale. One is a direct grant subvention for free lunch program. The other would be an attempt to correct the deficiencies of the AFDC need standards at the present time, which in essence would guarantee the families of a—a more satisfactory level of income which in essence would be in resolving the problem from another direction. There are then a couple of possibilities here. We also present Item 3 primarily because it's the staff's feeling that the Welfare program is not a primary responsibility of the schools. It is true we have a service available. We have pledged ourselves in obtaining national lunch reimbursement and—uh—commodity to provide for free meals for needy students but I think that it is our firm conviction that the implementation the time of these programs were initiated some years ago, they did not carry within them the overtones of the responsibility that we see in this new program. Now, therefore, we're going to look to other agencies, Federal, State and county to reappraise and to bring focus on the primary—the agencies where the prime responsibility for this—this service rests. Uh, we're suggesting to the Board at this point that no levy tax—no tax levy be made if we're to take care of the full thing, it would probably be around four cents elementary and probably two cents high school but—uh—as you see at this point we have some money which has become available to us. Transfers would have to be made anyway. We feel that we'd like to exhaust the possibilities of the other—oh—sources and then, if necessary, at the end of the year to bring the reserves to bear to cover any deficit we might have. Dick, I'll ask you to make any comments. You've been working very closely with us. At this time, do you have anything you want to add?

Dick. No. I—I think—uh—I think you stated it well. The Board's policy in the past has been to not levy a tax but to transfer—at least for the past couple of years—to transfer the cost of free meals from the undistributed reserve of the district, at the end of the year when the actual costs are known. I think what this recommendation says is we recommend you follow the same procedure except recognizing that we talking—we're talking in terms of two, three and four times, perhaps five or six times the amount of transfer you've made in the past.

Chairman. The Board have any questions?

Knowles. I have one of Dr. Corona. Uh—when we—we talk about the $68,000 from Federal special assistance—uh—would the $11,000 that you are talking about be an addition to that? or part of it * * *

Corona. No, that's a part of it. We had hoped for the full amount but all we know is we definitely have eleven of this now and we're optimistic that more will come through. But not very optimistic on the $68,000. The full amount.

Knowles. The full amount.

Rose. I might ask, Madam President * * *

Chairman. Yes.

Rose. When, for Dr. Corona, when we have stated objective—objectively a criterion here, have we not gotten ourselves committed to—to a welfare program? That is not the first prime responsibility of education?

Corona. Well, we have a commitment and what we are attempting to do is to clarify the level at which this commitment comes to play. At this current time, we're using unmet needs under AFDC standard and, as I indicated to you, that's very difficult to compute and we've had some problems here and what we're trying to do is to come forth with a program that will be much more clear cut and—uh—one under which we will be able to compute more readily—more efficiently those eligible here. I should ask Mr. Quissenberry to see if he wants to make any statements too, certainly he's had a part in this and might like to * * *

Quissenberry. No, I don't have statements to make ———. Welfare seemingly is involved in the school lunch program I think largely because many, if not most of the students qualify for the lunch program come from this case load and, in the past, the criteria that the school has used has been based on the welfare standards so any change, of course, the staff felt they wanted to consult with the Welfare Department which they did. We are mandated by our state regulations to cooperate with the schools and to participate in their lunch program and to refer children if they are eligible. We've done that under the former program and continued it under this one. I think that the standards that are proposed are realistic. It detaches completely the—uhm—school lunch program to the welfare standards which I—I think is desirable. This way the two don't really get hitched up together and if Welfare families are eligible, they're eligible on an income basis like everybody else regardless of where that income comes from. We attempted to make some evaluation as to what the impact might be from our caseload. This thirty percent is an estimate. There are families that have additional means that we have not budgeted; there are families that have income ——— under our regulations and when you try to take into account all these pluses and minuses, thirty percent is the best estimate I can give your staff.

Chairman. Thank you, Mr. Quissenberry. Joe, do you have some questions? I have one question I would like—uh—under this * * *

Male. Would you speak more loudly?

Chairman. Under this * * * now, Mr. Neumark, would you put your hand down. I'll call on you as soon as the Board has finished asking the questions they feel are pertinent to get background information. Uh—in the event of emergency and a school principal or the school nurse feel that the child needs a free lunch and we say that according to this it would be up to five days of eligibility, whose responsibility will it be to contact the parent to make application. Would it be the principal, or the supervisor of child welfare, or the school nurse, the community aide? Who will see to it that parent is notified about the child?

Corona. Well, we indicate here that the application process will initiate at the school of residence * * *

Chairman. Who will notify the parents?

Corona. And—that's what I was going to say * * *

Chairman. Alright * * *

Corona. So the materials will be in each school and where the principal identifies or confirms a need, it will be his responsibility to see that it's initiated.

Chairman. At least the parents contact the child—the application is made for the child.

Corona. This will have to be done. We will need the assistance of the school—the nurses and—and the community aides where they do exist, and the social workers to assist because it would be impossible for Mr. Hall, as an individual to really carry this all alone. He will need assistance.

Chairman. Thank you. Are there any other questions by the Board?

Knowles. Yes.

Rose. One more.

Chairman. Go ahead, June.

Knowles. Uh—we have this criteria that we are to use.

Corona. Yes, this is what we're proposing.

Knowles. Are we going to use this for—for any child that we think is in need and hungry? I mean, are we going to use this to determine—uh—use the same guideline of figures?

Corona. I—I think—my interpretation of the guideline, and this will cover the great gulf that I can envision there might be some exceptions and I would hope that—uh—that as we formally—form—formalize this material that we recognize it was special—upon special recommendations of Mr. Hall and is to have special consideration given some cases. I think this is the guideline under which the great bulk will fall.

Knowles. Well, then thirty percent you're not—you're talking about are not only the aid to needy children?

Corona. No—no. No. This will include—you see there are about actually 26–2700 AFDC families. There are in addition, about six hundred receiving commodities and we estimated about 200 families within the Modesto attendance area so that—the—that is the guideline—that—those are the only families we can identify now so we assume there are probably close to 3,000.

Knowles. Then others who—who—who * * *

Corona. In addition to AFDC.

Knowles. * * * are—are eligible for the free lunch program.

Corona. We're speculating that they will be entitled to it. Yes.

Rose. The question I was going to raise here is C—renewal of entitlement. Entitlement may be granted for a period not to exceed three months. Does that in turn—uh—would that be get a floor almost too—uh—I mean, you talking about—uh—uh * * *

Corona. No. No * * *

Rose. * * * here by monthly income and then talk about a three monthly thing. What I'm concerned about is that—uh—like—uh—this recognition of children re hungry and if we exhaust our funds then when the case of true need comes then we—then we are without funds and so * * *

Corona. The sentence just says that duration and condition and by that we meant that at the time the application is made it will be the judgment of the staff as to—uh—the number of days,—uh—the—the condition of the home as he sees it, the possible sharing. For example, it may be that the family would agree to pick up two lunches a week and with this they would have three free lunches—something of this type, so that there would be established some kind of pattern that would prevail in the operation of the appli—— of this particular needy case. All we're saying is that you cannot go beyond this line without a reappraisal. You've got to take another look at it in order to go beyond the three months period. So it really exacts a periodic review of each case.

Rose. You think it does need to be that long?

Corona. Well—yes. This—this was discussed rather lengthily and the feeling was that thirty days was too soon, that it was possible to estimate—uh—with some degree of accuracy for at least a three months period as to the condition and the problems at this—at a particular family would—would be involved. And the guidelines here—and Mr. Hall felt this way and I know the Welfare people felt that this would be a reasonable guide.

Rose. Would—uh—well—you mean—up to * * *

Corona. Up to, yes sir.

Rose. But you don't say it.

Corona. Not to exceed.

Rose. Well I guess ——— because again my concern, because * * *

Corona. Now, this does not mean automatically everybody ——— every three months. It means that the person administering this ——— can't only get up to three months. That—that's the limit of his authority.

Male. I'm just wondering, in computing the monthly income, do you first determine what the annual income is going to be ——— or something, or is this determined every three months. Is this what you're saying you're using as a basis for the renewable application.

Corona. Well, this was debated and the feeling was if we—we—we were we would have to actually determine monthly income I mean, somebody said, well, you can take an annual—annual picture here but there are periods of—of—uh—of the year when unemployment and—and—uh—adequate income would prevail but a few months later this may not exist. Mr. Quissenberry could you comment on the difficulty you have here in terms of this determining the monthly income?

Quissenberry (not using microphone). I think that the difficulty on this ——— from the fact that you could not use an annual measurement to determine whether somebody needs lunches right now. So that you almost have to go to a monthly computation of income. The OEO standards as expressed in terms of twelve months so you simply have to divide by twelve to get there and—uh—it seems to provide a realistic standard in relation to the other options that were discussed.

Corona. Well, I might say that there is another standard that has been developed. It was mentioned by representatives that met with us and that was the California Rural Legal Assistance standard. They have—uh—a program in which they—the criterian which they propose at the—the standard would reflect a minimum annual income of $2200 for one individual, plus $500 for each additional person in the household, which is, as you can see, above what we're suggesting here.

Male. Is this the basis we use in the pre-school program.

Male. Yes, that's correct.

Male. This must be comparable * * *

Corona. Comparable to what we're have—what we have right now for our Head Start.

Chairman. Any other questions by the Board?

Male. Not at this time.

Chairman. Before I open the discussion for those who are in the audience, I have a couple of things I would like to say. I hope that you can hear me. First of all, I would like to thank everybody * * *

Audience male. Can't hear you, Mrs. Kirschen.

Chairman. I said I'd like to thank everybody who is now presently in the room and those out in the hall for the decorum and for allowing the presentation and the Board to discuss the necessary points before we open the discussion. I feel that a lot more can be accomplished if everybody respects everybody else and everybody will be given the opportunity to speak. I would please ask that those people who wish to speak please address the chair. We will ask you to come to the microphone to identify yourselves so that we know who has been speaking as a matter of record because the entire meeting is put on tape. Secondly, I would ask your indulgence in not having one person speak more than one at a time to give everybody an opportunity to speak. I know that there will be many burning questions and people will forget; they'll say something and sit down and want to speak again. I ask please that those people who would like to speak, will speak in turn, and ask you not to speak the second time until everybody has had a opportunity to do so. Uh—we may deviate from that a little bit if we find it necessary. Uh—we will listen to your statements. We will listen to your questions. Those that can be answered, we shall try to do so at the time, if not, I don't know how long the discussion will go on. It may be that we'll have to have a recess to get some of your answers for you. We hope to come to a decision this evening. We're sorry that all five Board members are not here but I think you understand why Mr. Bienvenue is not but I am sure that he will abide by any decision that the other four Board members will take. Now, at this time I will open the discussion. Mr. Neumark has had his hand up since he sat down in the back of the room. I'm going to allow him to speak the first. Now, I ask you please,—uh—I trust that each of you will respect the other. I would appreciate no out loud comments, no clapping. We'd like to get this discussion over as soon as possible so there will be a meeting of the minds. I don't like to use the prerogative of the Chair but I will have to if I am forced to do so. As I said, I do appreciate the quiet that we've had during this beginning of the discussion and I hope that it continues for the rest of the discussion. Mr. Neumark.

Neumark. Yes. I'd first like to address myself to Mr. Rose, who seemed to express some deeply felt concern about this being a welfare program. I'd like to inform Mr. Rose that the—that the Modesto City School District has been in the welfare business for a long time, they've been feeding middle and upper class children; they've been giving them $250,000 a year and they've been giving it to the middle and upper class children without any eligibility standards, without any rigamarole. The middle and upper class children in this town have gotten $250,000 in welfare. Secondly, I'd like to address myself to—to the problem of these standards. Now, I'd be less than honest with you if I said I disagreed with them because I think that, you know, that they're somewhat generous. How—and I would like you to adopt them; however, I think there's been some factual statement—some statistical statement that might mislead you into adopting them and I'd like to clarify that right now. There was an indication from the—from the superintendent's office that under these figures perhaps only thirty percent would be eligible. Quite to the contrary. Close to ninety to a hundred percent of the AFDC children will be eligible under these standards. So you should anticipate feeding between twenty-seven hundred and three thousand children per day for the whole school year under these standards. Now, we have some people from the welfare department here and perhaps they can answer your questions in more detail. I'd just like to point out one or two things to you. The monthly figure here is greater than the maximum participation base. The maximum participation base is what each welfare family receives from the welfare department. So that means that the—that the only income that the family is receiving is from welfare then they'll be eligible under these standards. Secondly, most of these figures are probably greater than the cost—the coded cost schedule and the coded cost schedule includes—the coded cost schedule was laid down in 1957, that shows how realistic it is, but that—that tells the family—that is the schedule which states the amount of need which each family has based on 1957 figures.

So this is, in many instances probably greater than the coded cost schedule; that means that—that even those families that—that are getting a grant and that are—that are earning some money will be eligible under these standards. That means that you should probably expect between ninety and hundred percent of the AFDC families being under this program. That brings us to two other programs. First, is funding. I don't know how the school district plans to feed 2700 children per day on $11,000, and that's all that they have in the kitty right now. We're taiking about somewhere around between 150 and 180 thousand dollars and I want you to recognize that. It would be very unfair to you to tell you that you know that—that this program is a $50,000 program. It's $150,000 program. Now, I had hoped that I wouldn't have to make any suggestions as to how you could fund this but since—since the school administration didn't. I'll make some suggestions. The first is that you raise the price of a lunch to the middle-class kids. Now, you received an income from the middle-class kids for the 68—67–68 school year—$600,000, according to the balance sheets for the cafeteria. Now, if you were to raise the price of lunches fifteen percent, you would generate additional income of $90,000, fifteen percent of six hundred thousand is $90,000. That would give you $90,000 right off the top without going to taxes. Secondly, you could probably expect somewhere more than $11,000 from Mr. Hemphill's office so you—let's take half of it—let's be optimistic that—that—you know that they come through. That would give you an additional $30,000; that would give you a total of $120,000. That means if you were going to get into the tax business, at most you'd have to go in for is $30,000. Now you might—you don't even have to go into tax business if you want to raise the price of lunches to middle-class kids more than 15%—say 20%. Even if you raise the price of lunches to middle-class children they're going to be getting a welfare grant because right now middle-class children are getting fifteen cents from the feds on each lunch.

NEUMARK (continued). They're getting fifteen cents free. They would still be getting money from the federal government even if you raised the price of their lunches twenty percent. The middle- and upper-class kids in this town would still be getting a subsidy and they wouldn't have to go through this eligibility business or anything else. That brings us to the question of identification. The problem with the free lunch program before was not its standard of eligibility. The eligibility standard's basically the same that we're dealing here with tonight. It includes most children on welfare but you're not identifying them and, what we propose is that welfare help you. I spoke to Mr. Quissenberry; Mr. Quissenberry said his office could provide you with a list of every child on AFDC. That list could be forwarded to the principals and those children could be given a free lunch. When you accepted money from the federal government, you made a covenant with the federal government. Your covenant was that you would feed free and needy children. If you intend to keep that covenant, then you must establish a meaningful identification procedure and you have one readily—readily available from Mr. Quissenberry's. He will provide you with a list of children that need lunches. I can't understand why you don't want to take them. It not—its administratively very facile, probably more facile than this case by case procedure that the school board is now proposing. Welfare will tell you who is eligible. You just send those to the principals office and tell the principal to feed them. The principal isn't involved in decision making; the school administration doesn't have to—to bring a child and to scrutinize the parents. This isn't required of the middle-class children that get—that get a welfare dole from—from the School Board.

CHAIRMAN. Thank you, Mr. Neumark. Mr. Wilson?

WILSON. Well, I'm Don Wilson here. Uh—Don Wilson. Uh, well I go along with Mr. Neumark there to a certain extent. We're talking about all welfare cases. Well, I'd like to add a little bit more to that. Not only welfare cases but there've been figures amongst this town where this 24 percent of the people was on the OEO level. If we're figuring 24 percent of people that's under the OEO level, that is the standard a person should use. Therefore, if you've got 23,000 people ——— in your schools, you can figure one-fourth but you can figure say close to 6,000 people and the figures you should use is true figures not according to just one organization like Mr. Quissenberry's office over there. You should use the true figures. Let's feed every child not part of 'em. Let's not leave one moaning out in the street. Not one child. Let's feed 'em all. If we can shoot something to the moon and spend 24 billion dollars, we can feed a few kids.

(At this point on the tape, Mr. Wilson's voice all but disappeared. I'll try to pick up what I can.)

——— Mr. Neumark, made the statement there a minute ago. The School Board says they're not responsible. ——— $125,000, that's cash money. Then we got all the surplus. God only knows how much surplus we got there. Instead of lowering the price of the food, let's feed the needy first. Then we feed the needy if we have anything left. ——— A kid has got a nickel to buy a lunch—he ain't got a nickel ——— ——— if he does they'll laugh him out of school. You've got to understand a nickel ain't very much money but to some people a nickel is the whole world because they ain't got the nickel. Here, the way you—the way you try to put it here, you go right back to the old line of thinking. Here you gonna say you're going to try to recognize these kids that need the lunch. Well, Mr. Hall, as I have talked to him before he's explained to me that he came out of an orphans home. Well, by any means, he should understand what it means to be lost—and people lost you don't—you don't.

You don't need a man like Mr. Hall to judge them. I feel this way. If the School Board is going to make a commitment, the School Board should see that it carries out, this old passing the buck won't get it. You guys, you want to study color, you want to study hair, you make a committee of this, you make committee of that, I've asked for a committee to study this free lunch problem. Well, you want to throw me in jail ——— if I see a kid hungry, I want to feed him. I can't feed nobody. I'm on welfare myself, but I'd like to help. But that's like—that's like Mr. Quissenberry there. I'd like to ask him a question about it. Uh—what standard do you use for the Welfare program now, I mean what year did they come up with the standard. Can I ask him that question?

((Cut in tape—new reel.)

First half of this tape very faint, fading out completely:

WILSON (continuing). * * * 1967. Well Thank you. Well, what I'd like to ask you, Mrs. Kirschen, if you take—if you take one man's word for your whole lunch program—this Mr. Hull—should you feel like you should look a little further than one man's word on it. You can't go around ——— If the School Board was a little more active—a little more active and a little more concerned for the welfare of the kids. Even though I've been told before that your job is not to feed the children, that your job is to educate the children, I could even go further there * * * but let's not go into that because I'm not on the agenda tonight but I'll ask you this * * * more consideration about feeding because you did sign a contract. You got so much money. Well, I want to know, what are you going to do * * * (Someone speaks in here for some time, but nothing is picked up on the recorder.)

WILSON. Uh, yes Ma'am they are. Uh I—I don't have too much of an education myself but * * * I read all the way through this and I look way down on the back page here and so many * * * If you can figure with figures and if you ain't got nothing to figure with you can't come out with no answer * * * this is leaving all kinds of loopholes * * *

Sounds as though Mrs. Kirschen is talking here for a long time, but absolutely nothing is distinguishable.

Wilson. You know, what I've said before. I'll say again. If a lunch is a nickel and you didn't have a nickel you don't get no lunch. And if this means, if this means raising taxes to feed a kid, raise the taxes. Raise the taxes. I can't see nobody would deny a kid a lunch. Nobody. I mean everything in this country * * * make the budget out. * * * Well, now here's school * * * we're going to pass the buck onto the schools, everybody's discussing schools. Open their eyes and see where the money's going * * *

(Sorry—can't get anything else out of this portion of the tape.)

This tape regains consciousness just about half way through. Starting on Page 36 is the continuation of the hearing. The Schools advised this was the fault of the microphones or recorder and this part is missing on the master tape also.

(In the middle of a speech) funds available of $29,000. The balance of the cost of this program Dr. Corona and I both agree that—that we were predicating out costs on the thirty percent figure which Quissenberry again reiterated tonight. The balance of that, the Board committed themselves to transfer from uncommitted reserve at the end of the year till actual cost is known.

Parrish. Yeh. Well, could I—uh—point out that at an earlier meeting when Dr. Corona met with I think Mr. Quissenberry and many of us—you know, this was between Board meetings,—uh—I think Mr. Quissenberry, I think taken off guard indicated that there would be perhaps fifty percent of those receiving AFDC who have an unmet need, which was the standard which was being used at that time, at least in theory. Uh—and more currently, I guess, the figure is thirty percent. And I'd like to suggest that perhaps the reason for this difference at this time is that the—the—uh—current sample was taken when there is an abundance of work in the fields; that many people on AFDC and other aid programs are working. Whereas, in the Wintertime, when the school lunches will be really the issue, uh—there's hardly any work at all for people who do primarily farmwork. And I think—I think this has to be taken into consideration. And I'd like to ask the—you know—the school staff through Mrs. Kirschen uh—you know—how do you propose to apply this standard? How do you propose to implement this program, if you have—uh—$60,000 and you need $100,000? You know what—what how are you going to select among the needy eligible, again on paper, applicants?

Male. Mr. Quissenberry wanted to make a statement.

Chairman. Yes. Yes would you please.

Quissenberry. Since there's been a couple of speakers now who have questioned the 30 percent estimate of the department, this was based upon the cost schedule figures that are used by our department in budgeting. And when you use those figures which is the basis upon which we compute budgets, and then the law does have this maximum grant provision, when you apply this maximum grant provision and this means that they have means beyond what can't be paid. There's also then a presumption that if you have paid less than that maximum their needs aren't fully met and that they have some other source of income which in combination with their welfare grant results in a payment below what is permitted to be paid by law.

Chairman. Excuse me, Mr. Quissenberry. You understand that Mr. Quissenberry is saying about the thirty percent? Alright.

Quissenberry. Alright. Now, our fiscal division made a sampling of the main payroll and on that basis we determined that there was approximate thirty percent of the cases that received the maximum grant possible under the law and the balance of the caseload then received less than that. The—some of the staff in my department—uh—heard about this thirty percent figure and they met with me last Friday, late in the day, and they were questioning this thirty percent because they felt in their experience it was you know more of the cases would be at the maximum. As a result then I had my fiscal staff go back to our January payroll, which is right in the middle of the winter months, and they made the same study and came up with twenty seven and a half percent. The one thing that has changed between January and May is that in April we had a cost schedule increase which would have brought some additional cases, you know, above the line. Now, on any estimate, as Dr. Corona has indicated, there are possibilities of error—uh—and there is risk in making an estimate. I think that you can't really tell until the program gets started what your actual experience is going to be. And—uhm—I also am not in the position to suggest to the Board what actions you would or would not take if—us—you find you're not able to fund a program that you commit yourselves to, this is fine. But, in our discussions with the school staff, the OEO standards that are being proposed are within three to nine dollars difference of above the current Welfare standards that we use for budgeting purposes. Now, in many of our cases we have special needs which are added in addition to the basic needs. And, in spite of this, this is the experience that we are having at the present time, this thirty percent level. Now, it could change by any number of factors. Uh—there are some policies that—uh—will go into effect later in the year will change the way we compute—uh—income in our cases. This could have an impact then on your school program. But I think these are things that—you know—you cannot know about, you cannot make decisions about at this time. Well, this is the best we can do.

Chairman. Did you wish to speak to that point, Mr. Parrish?

Parrish. * * * ask * * * one question.

Chairman. Yes.

Parrish. Is it true then that of your thirty percent, twenty-seven percent sample was based on those at maximum and not on this standard here?

Quissenberry. That is true.

Parrish. And it's your experience that the—the grants run three to nine dollars less than this sample.

Quissenberry. That's correct. U'm, for example for a family of three, the welfare standard averaged out at two thirteen. This figure here is two sixteen. Uh—there are these kinds of variations depending on family size. The dollar amounts are not large.

Parrish. Well then, I suggest that perhaps the thirty percent figure is—uh—really is kind of meaningless since it's based on the maximum which is no longer established.

(Comment from someone too faint to hear.)

Parrish. Well, no; you say that the thirty percent figure was based on those at maximum.

Quissenberry. Receiving the welfare grant maximum.

Parrish. Right.

Quissenberry. Correct.

Parrish. I'm saying that you know since—since these figures don't really relate the maximum but the average grant and again the average grant is—uh—falls below these figures.

Quissenberry. Oh no. No—no. Excuse me. When I said average—uh—what we attempted to do was to take all the families of a given number—let's say with three children and they fall within four different age-sex groupings in our need standard. We attempted to average out all of the possible need variations for different kinds of families with the same number of people. This was the average I was speaking to.

Parrish. (Not at microphone—speaking almost too faint to hear) ——— but again, the thirty percent figure again isn't based on these—the—uh—this * * *

Quissenberry. Well, not specifically, no.

Chairman. Is there anyone who has not spoken who would like to say anything to the Board? Yes.

McCurry. I'm Mary Alice McCurry, social worker, and member of the Social Worker's Union, Social Action Committee. As Dr. Corona has indicated several times, it is very difficult for us to determine just what an unmet need is. And Mr. Quissenberry eluded to a meeting that we had with him Friday and—uhm—at that meeting we discussed with him the results of a sample we had taken of AFDC continuing cases and the—the difference that I think is important between our sample and between Mr. Quissenberry's statistics is that ours was limited to the Modesto City area. In other words, not the unmet needs of other school districts. Uhm—if I can express this correctly, this 43 percent figure that we came up with means 43 percent of the cases had an unmet need—had less income than they were entitled to according to the state law for the month of May. Now—uhm—during the Wintertime we'd expect this to be much higher, maybe double and—uh—I'm very interested by this 27 percent figure. I don't understand how that could be but that's the way it turned out evidently. Uhm, I don't think though that we can use this 30 percent figure or the 43 percent figure and anticipate that means this many people will be eligible for this school lunch program. I don't see the correlation. In other words, uhm—be because of personal reasons many people not eligible won't—will—many people who are eligible will not apply. Just like the food stamps, just like AFDC in general. But to say that 43 percent of the people have unmet needs—uh—doesn't mean you can anticipate this many children turning out to eat because the standards you have in front of you are higher and—uh—less people will be working during the Wintertime and there'll be less money in the families. Now I've confused things more, probably, huh?

Male. (Faint in background) * * * forty—you think the thirty percent is too low? Did you have any exclusions in your samples?

McCurry. Uhm—we did not consider a grant that was at maximum as an unmet need. In other words, Mr. Quissenberry did it by considering the supplements that went out and so our figure was actually even a lower estimate, I think. Besides being related, this was just AFDC continuing, not any of the other programs.

Chairman. Just a minute, Mr. Wilson. Mr. Neumark, would you please ask if there's anybody out in the hall who would like to say something. I don't know whether they can hear all of the proceedings. Just a minute.

(Pause.)

Neumark. There's a bit of a problem because they haven't heard what's going on. So they don't know if what they want to say is * * *

Chairman. Well, we'll listen to anything that they might want to say to us. If there's anyone who wants to come in and say something.

(Low murmuring.)

Knowles. (Very low) * * * the children all go out, they * * *

Rose. (Very low) * * * Who's this clown taking the pictures all the time walking around here?

??? Huh?

Rose. Who's this guy taking the pictures?

Chairman. * * * from one of the TV stations.

Rose. Huh?

Chairman. TV stations * * *

Knowles. * * * people have been here the whole time.

Rose. That's what I was wondering about * * *

Neumark. I'm trying to summarize.

Chairman. Then I'll call on somebody else * * *

Lowenstein. My name is Daniel Lowenstein and I'm an attorney—uh—I think that—uh—there have been a number of estimates given to the Board as to how many—uh—children might be eligible under these standards. The most cons * * * or the most optimistic estimate or the estimate that indicates the lowest number of needy children under these standards is the thirty percent figure which would come to approximately 900 children who would need free lunches every day. I—I believe there is serious reason to believe that that figure is too low. The—uh—social workers estimate based on a sampling of the Modesto School District, which of course is the area that we're dealing with, was 43 percent and she also indicated that there was very good reason to believe that that figure would be very much higher during the school year. Uh—certainly—uh—any sort of—uh—prudent fiscal planning would involve making allowance for—uh—one of the higher estimates because the higher estimate might turn out to be true—the correct estimate and you want to have the money there to feed those kids.—Uh—but aside from all those questions—uh—Mr. Eaton indicated earlier that the amount of money you're planning on for this program is $29,000. At three lunches to a dollar, this will feed 410 children. In other words, your—your budgeting for less than half of the lowest estimate you've received. Now that just doesn't make any sense. And it's highly dishonest and highly irresponsible for this School Board to indicate to these people or to your constituancy that you're going to feed needy children according to this schedule when you're only going to have money, or you're only allocating the money to feed less than half of the lowest estimate of the number of children who might be eligible. Uh—these people and I—I think the * * * poor people generally are very concerned—they're concerned on your past record because after all you said last year that you were committed to feeding the needy children. I think that everyone in this room will agree that the performance was not adequate last year, that the methods of finding the poor children were not adequate and I think there is very much reason to fear that the result of the proposal that's been submitted to you tonight * * *.

(End of Tape 1—continuation follows:)

* * * and our money can come from the taxpayers, or it can come from the people who buy lunches. As Mr. Neumark indicated before, even if you take the highest estimate and you decide you need money to meet the highest estimate you can take—you can pay for it entirely out of the—the prices of lunches that the—that—that children would pay and they would still, everyone of them, be receiving a subsidy. But, the proposal that has been submitted to you is simply

not adequate and—uh—as I mentioned before it would just be dishonest and irresponsible to pass it in the form that it is submitted because it promises one thing and it simply does not provide the wherewithal to meet its promise. Thank you.

Chairman. Mr. Neumark, was there anybody out in the hall who wanted to say anything?

Neumark. There are some people that * * *

Chairman. Is there anyone else who would like to say * * * Yes?

O'Donnell. My name is Marie O'Donnell and I'm a social worker with Stanislaus County.—Uhm—just a couple of personal observations. The need figures for this free lunch program seem to be the big question. Uhm—merely by the fact that people are receiving any kind of a welfare grant implies to me personally that there is an unmet need in that family. Now, I'm not exactly sure of the figures but it comes to mind that there's a $6.00 plus figure per week to feed one child in a family under the AFDC budgeting. Uhm—I just would like you to keep in mind this figure because these families are having—I really admire some of the families because they can feed their children on this amount. But it seems to me that as the Board of Education they would want to feed every single hungry child in this county because a hungry child is not going to be amenable to learning if all he can hear is his stomach growling. Thank you.

Chairman. Is there anyone else who has anything they'd like to say? Yes.

Sample. I'm Sandy Sample and I'm speaking only as a private citizen. Uh—as—uh—a tenant with a middle income—uh—I don't feel right about my children's school lunches being subsidized when that means that other children are going hungry and I—I feel strongly that there are very many middle-income parents who would rather pay more for their school lunches so that low income children can be fed. Uh—and and I would like to suggest this as—as a real possibility.

Rose. One question, little lady. In your letter to the Board I believe by your husband and yourself * * *

Sample. Uh huh.

Rose. * * * you stated that you deal with many hungry children.

Sample. Uh huh.

Rose. * * * at school. How is it that you didn't report this matter to the school?

Sample. To the school? Uh * * *

Rose. You said * * *

Sample. I * * *

Rose. You knew of many hungry children in the school.

Sample. Right.

Rose. There's no question about it.

Sample. Yes. Uuhm * * *.

(A few comments from audience here which am not able to pick up because of dominant child's voice.)

Sample. Right uuhm * * *

Chairman. Please * * * have any interruptions.

Sample. No. There have—there have been instances in which—uh—I tried to encourage families to, you know, do the proper procedure and—and go to the school and request—uh—the lunches and families simply weren't willing to go through that kind of humiliation and my feeling is that if—if a family feels humiliated whether the school is intending to do it or not, you know, that feeling is a fact. And—uh—and I'm not willing to subject—ah—you know to push my friends to—to go through that kind of humiliation. Uh, and so this is—I was not aware that if I reported it to the school, the school would in fact seek out that child and offer him a lunch.

Chairman. Mrs. Sample, I would just like you to answer one question. I have been—I have read all this supplemental material and I haven't been able to put my finger right on the actual paragraph. However, in the National School Lunch Act which we have been guided by and what we hope to get through the federal government ——— may not charge different prices for lunches to different children.

Sample. Right.

Chairman. This is against the national lunch act.

Sample. Uh hu.

Chairman. You say we should charge—uh—one group of children one price and the needy children another price. By law, we cannot do this. Uh * * *

Sample. I wasn't saying that.

Chairman. * * * we have used federal money—uh—that we had gotten before and I don't know whether we're going to be eligible now—uh—of reducing the cost of lunches. And I realize this is what you are calling subsidy of the other children.

Sample. Right.

Chairman. But that's the only way at that time. Uh—now we had hoped to set up new criteria—uh—to balance this out—uh—because if we didn't use—uh—that money, the lunches might even cost double. It might be a 55¢ we're ———

Sample. Right.

Chairman. * * * did use that money to reduce the cost of lunches to everyone.

Sample. And—and I understood that. I * * *.

Chairman. * * * according to what was said, I think Mr. Neumark also eluded to it, you cannot by the National School Lunch Act charge different prices in your cafeterias.

Sample. I wasn't suggesting that, I was simply suggesting that—that the total cost across the Board for everyone who was buying their lunch might have to be raised so that those—so that more children could receive free lunches.

Corona. It is very important to understand what Mrs. Kirschen is saying is that the—the lunch allocation is per lunch and is for each lunch served in the school regardless of the wealth of the child and we have been advised by Mr. Hemphill that we cannot use this money to subvent free lunches; that is the thirteen or fourteen cents that comes to us goes to each lunch and to the—to reduction of lunches to all stu—to all youngsters. In addition, we cannot take commodities and convert them to a ———. I think the thing we're confused in is that when this program was orginally established it was a nutrition surplus commodities program that was made available to all youngsters in schools that enrolled in the school lunch program. We have been advised that the source that we have for subvention free lunches will come first from special assistance, from the property tax, contributions from outside groups. We cannot use the money as has been referred to the letter—I think I know I've given one to Mr. Neumark ——— with these other people and this is the guidance that we offer to the Board at this time. It's not within their power to do that.

Neumark. May I (voice too faint to distinguish until he comes to microphone) I'd like to read to you from a book called "Their Daily Bread", a study of the national school lunch program. "The Congress which originally created the national school lunch program in 1946 recognized the importance of a good lunch to the school child and passed legislation to safeguard the health and well-being of the Nation's children. To achieve this goal the program was to supply lunches without cost or at a reduced rate to all children." Since the inception of the National School Lunch Act the purpose has been to feed needy children.

Rose. Are you quoting us the law?

(All the Board speaks at once here, hard to understand.)

Rose. * * * law or rhetoric.

Neumark. No. I'm quoting from * * * it's quoted in this journal called "Their Daily Bread", a study of the National School Lunch Act, the Committee of School Lunch Participation Sponsoring Organization. Church Women United; National Board of the YMCA; National Council of Catholic Women; National Council of Jewish Women; National Council of Negro Women.

Rose. You're still not quoting us the law. You—you—you're—like I say—you're quoting us something else.

Chairman. Show it to him.

Neumark. Two quotation marks.

Rose. I was talking about the law. You're talking about social rhetoric.

Neumark. This is—they're quoting from the law, Mr. Rose. "To supply lunches without cost or at a reduced rate to all children. The Congress which originally created the School Lunch Act. * * *

Male. To all children.

Neumark. Since the inception * * *

Male. To all children.

Neumark. To supply without cost or at a reduced rate to all children * * *

Female. As to all children?

Male. All children.

(All Board talking at once.)

Neumark. Will you let me read, please? To supply * * * the words of the original Congress—"To supply without cost or at a reduced rate to all children who are determined by local authorities to be unable to pay the full price thereof."

This is the original Act. Since the inception of the National School Lunch Act this is the same language that is in the Act today, the purpose of this Act has been to feed needy children. This is not a recent development. This has been in there since the beginning. Now I'd like to speak * * *

MALE. Is it true that there is currently a law suit against the State to try to clarify this legal interpretation?

NEUMARK. No. The law suit against is against the federal government and the law suit is to mandate the federal government to live by the provisions of this Act. The federal government, like this School Board, has not been living up to—to the provisions of this Act. Now I'd like to speak to the second point. I spoke with Mr. Hemphill. Mr. Hemphill said there was nothing in the—in your contract or in the National School Lunch Act that pro— * * * that prevented the School Board from raising the price of lunch—what * * * they can make the price of lunches whatever they want. There is nothing—I asked him specifically. That's right. And then you have the authority to provide free reduced rate lunches to those children that need it. There is absolutely nothing that would keep this School Board from raising the prices of lunch.

MALE. * * * do not use the subvention but you take the money that you pick up from the other segments of the community and utilize that.

NEUMARK. That's right. It-it-it's a lot of * * *It-it's a lot of * * * If you want my interpretation of what Mr. Hemphill is saying, he's just playing with the books and—but he's telling you that you can raise the prices of lunch as much as you want and there's * * * I don't want this School Board to be misled into thinking that they can't raise the price of middle-class children's lunch. I spoke to Mr Hemphill, I posed this very problem to him, he said that the price of middle-class children's lunches could be raised to whatever price the school board wanted, including a price above that which * * * of the subsidy. All we're propo * * * we—we're not even proposing that any of the sub * * * that the total amount of the subsidy be taken away.

MALE. When he talked * * * when he talked to me, Mr. Neumark, he said that he didn't believe that you accepted his point of view and his point of view as he stated it to me and I have ——— best he said to you, that yes the Board could raise the rate. He knew of no legal reason why there couldn't be more than one rate, but he also said they could not raise the rate for the purpose of providing free meals.

NEUMARK. He did not say that. And all * * * what he's saying. I'll—I'll explain the bookee * * *

MALE. * * * what he told me * * *

NEUMARK. I'll explain the bookkeeping aspects of it very quickly. What he—what Hemphill's position, I believe he's entirely wrong, but even accepting his legal premise, he's saying that you can't take money from—from * * * you can't directly take the money that the federal government is giving you. So what—so what you do is you're involved in a bookkeeping problem. But he does say that you can raise the prices of the lunches to whatever you want. And then you'll be left with some kind of surplus that you can use to feed the needy children. Now there's nothing that prevents that under the law.

MALE. He says here, In reply to your letter, I know of only four sources of funds for financing free meals for needy children. That's very clear. The override tax, the general fund of the district, which is the tax again; a federal special assistance which we're using; donations of volunteer agencies such as parent-teachers organiz * * * parent-teachers organizations. Here's the letter.

NEUMARK. Well he * * * there's nothing * * * I mean, what Mr. Hemphill says in that letter is in contradiction to his statements to me, that you could raise the prices of lunch. I explained the problem. It seems to me that there's nothing that would keep this School Board from doing so. If—if you're worried about being sued, I can't guarantee you that California Rural Legal Assistance will exert its full statewide resources organizations to defend you. Uhm * * * no after we sue them (laughing).

CHAIRMAN. * * * twice.

NEUMARK. But there is just nothing in the School Lunch Act, our organization has been over it again and again, that prevents you from raising the price of lunch, nothing. And you would still be left with a—with a subsidy to those middle-class children. It seems to me that you—you're being super * * * you know, that—that the import of Mr. Hemphill's letter is let's protect the middle-class children. To the endth degree. Well, how about the poor children that aren't getting lunches now? This law was designed for them. I read to you the original intent of the Act. It seems to me we should protect them as well.

Chairman. Mr. Neumark, there are a couple of other points Mr. Hemphill made and I'd like to read from his letter, if I may. He also says, "it is my administrative opinion that it is not possible under present Federal laws and regulations to ——— federal commodities and cast assistance for the purpose of furnishing free meals to needy pupils."

Neumark. Uuhm * * * may—may I speak to that? Notice the word all. That's even a contradiction of his earlier letter. He's says it's not possible to use all money. The implication is that if you can't use all, certainly you can say some. Because, if he wanted to have said you couldn't use any, he could have said it's not possible to—to * * * you should not be permitted to use any, but his language is that you can't use all the money. We're not asking you to use all the money. So, I mean, the import of that letter which is the original letter as I understand it, and one that I gather the school administration wasn't satisfied with when we pointed that out, is that you certainly could use some of the moneys.

Chairman. Well, it's a matter of interpretation.

Neumark. Well, but—but what other inference do you draw from it? I mean, I'm just asking you to draw the inference of a reasonable man. When he states you can't use all the money, the implication is that you can use some money.

Chairman. Well, that's your implication, but that's not what he says.

Neumark. He says you can't * * * if Mr. Hemphill wanted to say the School Board is not allowed to use a penny, then he could have said that. He's an intelligent man I presume. Then he could have said, you are not permitted to use one penny of the funds you receive. He did not say that.

Wilson. Well that would put him in two different chow lines, if he did that.

(Soft murmering by Board. Words such as "surplus" and "twenty percent" are clear but rest is a jumble.)

Male. Are you through, Mr. Neumark?

Neumark. Yes, I * * *

Eaton. I—I do want to say one thing to the Board. We talked about increasing the price to various categories of children. I don't know how successful these gentlemen have been in running a restaurant, but I don't think they've been in the restaurant business. This Board knows that each time we've raised the price of a lunch even to the middle-class children, five cents, we've lost participation. And if we raise ten cents and fifteen cents, you may not rest assured that you will have that additional money in the till to pay for free lunches because some of the parents are going to stop patronizing it and, in effect, we will not only not have the support we now have, but we will have less support. We'll lose a certain amount commodities and we'll lose the type of reimbursement we get from that lunch and we'll lose milk if they're on milk. I just wanted to tell you that it isn't a case of just adding to it and collecting it.

Chairman. Thank you, Mr. Eaton. Is there anyone have anything else to say who has not spoken before. Yes.

Gibson. Yes, my name's Joe Gibson and—and coming to the lunches and stuff that you've been talking about. I didn't even ask one day if my little boys could have free lunches, all I asked them if they would charge them till I could get home from work and they said yes, and when we picked—picked the little boys up at school—two months of school by the way—I asked the boys if they had lunch and they said no, that the principal said they couldn't have their lunch on account of I didn't have the money in right then and I'd never charged before there whatsoever, and I've always paid what school charges I had, charged for 'em, and—uh—I just don't think it's right. Course I know I—I work when I can get work. And—uh—but really and truly, like I said ——— oh, by the way, I was going to ask you said you—you can't charge one child more than the other?

Chairman. That's my understanding.

Gibson. Well, how come my little boy, he was in the third grade last year, paid twenty cents and my little boy in the fifth—and they both can eat as much as—as much as me—paid a quar * * * (tape went dead here for just a few seconds) * * * Now, could you give me a explanation of that, ma'am?

Chairman. I can't answer that.

Corona(?). * * * primary children are charged one price, children in grades 4, 5 and 6 are charged a nickel more, junior high school children a nickel more, and high school children a nickel more. So presumably by age grouping where they eat more there is a difference.

Gibson. Yeh—yeh.

Corona. But within that group there's no discrimination.

Knowles. They can have seconds.

Gibson. Well, that's true too. Hey, David, would you stand up. That there boys the youngest one, he eats more than the other one. You ought to see how they both eat. (Laughter.)

Male. You've got a real bargain.

Gibson. Yeh, I know I have. Okay (pause).

Enochs. I would—uh—my name is Ann Enochs. I would like to ask the Board what you intend to do if you are going to allocate a certain amount of money and, as someone has pointed out, that would only feed perhaps, 450 children, what are you going to do when that money runs out? Are you going to stop feeding children altogether: are you going to limit—to limit it to 450 each day?

Male Brd. As I indicated when I made the report, we attempted to arrive at a statistic that would give us a guideline. We see within the reserves that we have established or will establish by the publication budget of August, the option of cover ——— Now we would not propose this ——— program unless it was within the realm of possibility. Now, the issue of opening—uh—the 30 percent factor is one that is very ——— concern to me and I do feel that before we can ask the Board to take action that I'm going to have to go back and recompute this to the point where I can be assured, to the point where I can assure the Board that we will be able to handle this. So—uh—they—they say we're not providing and I say we are. We are providing for a coverage based on the estimates that we have. It is true that we do not have a specific budget category but the Board has within its power flexibility to make these adjustments where it could cover the obligations we're talking about right now.

Enochs. So that—so that you're not talking about cutting it off * * *

Male. No.

Enochs. * * * at a certain date when the money runs out so that these people know that if—if you've given them an eligibility standard that they're going to be fed if they come in and ask for the lunch.

Male. (Starts talking before she's finished) * * * the figures that we had but I think these have to be re-studied in light of—of the concern that's been expressed. I mean, I—I have in my mind some questions and I think we have to go back and look at it again.

Chairman. Yes.

Haberfeld. My name is Steve Haberfeld and I'm with the CAC. Uhm—I haven't been concerned with the school lunch program until just two weeks ago. After reading your report—uuh—looking at it just briefly, I get the feeling that you people want to do something. Uh—but there are two things that bother me. That—one is how is—uh—how is eligibility going to be determined? Are people going to have to come to you? Are the poor people going to have to come to you and seek assistance or is it going to be automatic? And, number two, where is the money going to come from? I'm con. * * * the—the time is ripe today to depart from conventional arguments and—and I think that all—all that you have been devoting your time to this evening is conventional arguments. Poor people have to be fed and there's a way of feeding poor people if you're really interested in doing it and I think that—uh—the suggestion Mr. Neumark made to raise the prices of lunches of middle-class kids is a very good one, if that's the only way you can get the money. But it seems to me that the people here are disturbed by the two items I just briefly referred to. One, are the people going to have to come to you for assistance or assistance going to be automatic where they can preserve their dignity in getting the assistance that they deserve, and two, are you going to make a sincere effort in getting the money that's needed to support such a program that's both important and essential. I think that—that those two points deserve further—further discussion. I think I would—I would like further discussion from the people that came tonight about how they would like eligibility determined. I think we should rely on them to tell us what is a dignified way of getting the assistance they deserve.

Chairman. Anybody have anything further to add?

Male. I might just respond—uh—as was indicated here that the parent would be asked to apply. That we feel this is a responsibility and would have information that would justify such a request. It would be strictly confidential. Now, in that event, if a family happens to be on AFDC, there would be no research other than to go to the Welfare Department where we would find the data. Now, this would become a part of the application and would be a simple process. Where they did not have the information we would have to then seek it ourselves through other sources.

HABERFELD. May I respond to that?

CHAIRMAN. Yes.

HABERFELD. It—it's my feeling that—uh—this is one way of perpetuated—perpetuating a terministic relationship between the school administration and low income people. If you—if you put it in that framework where they have to come and ask for something that is filled out. I think it's better to have something automatic. I think that the system should be automatic in order to—uh—preserve some dignity among poor people.

CHAIRMAN. However they do have to make application if they need a welfare grant and this is the prerogative of each family and each * * *

HABERFELD. That's what's wrong with welfare.

CHAIRMAN. What?

HABERFELD. That's what's wrong with welfare.

CHAIRMAN. That's something that we have nothing to say about.

HABERFELD. I know but I think that the time is ripe now where we can depart from that kind of—kind of relationship. We have an awareness of what that makes people feel and I think that at this time we should—we should—uh—uh—make may be a daring move and recognize that we're just perpetuating a termalistic relationship that—uhm—makes people unhappy and—uh—just corrodes the—uh—good faith and—uh—confidence in the system.

CHAIRMAN. Well, I don't want to get into an argument with you about it as a matter of philosophy but how does the Welfare Department know who needs assistance unless they came to say that they did need it. Uh—granted there are—uh—may be there are other ways of doing it and may be we haven't explored all of the possibilities. However,—uh—I feel that it is not only a school problem and I think that this has come out. I think that all public agencies, all people, all boards, who are concerned with the welfare of people should be directly involved and especially in the school lunch program. I think that we are being asked to formulate policy and we are being asked to do something which is not the sole responsibility of the Board of Education at this given time. I don't think that the Board is responsible for what the community should be doing for the people who live within the community. Granted we are a part of it, but we should not assume the full responsibility. Now, I don't know whether the Board is ready to make a decision tonight and Dr. Corona suggested that it be re-computed and that more data be given to us. I didn't want anyone to feel that we were cutting off the discussion. We have now been at it about an hour and a half and I do want to call a recess. However, I will allow another five minutes for discussion if there is something new to be brought up, not just the same rehash of what we have done before. Then I will cut off the discussion and I will poll the Board as to what they want to do as Board members and they feel their responsibility toward this particular program. We are bending over backwards to be as fair as we know how; we have reams of data material that had been given to us which we all have worked over and that we have discussed and that we have looked at, trying to find a common ground and an amenable solution to everybody. This isn't an easy problem and I don't know that the Board can take a full step by itself without supporting criteria and without sup—support from the Welfare Department, the Board of Supervisors,—uh—the CAC, the OEO, all agencies who are part of this particular program and as I still feel that the school should not be responsible for those things that happen within the community which is community responsibility. Now, that's my own personal opinion but I'll allow five more minutes for discussion for anything new that might be brought up and then I'll close the public discussion. Yes.

NORRIS. I'm Josie Norris and, most recently, I find myself in a predicament or dilemma to go on welf-aid. I'm what you call the middle-class family usually. My husband was in constr—construction, has three other children to support. He is way far in another state, has to maintain his own expenses, pay his children, or my rent and my food. Now, who is going to survive? My boy and I, or his three children. Naturally, the three children come first. Right? My boy and I now are on welfare. You say that middle-class people cannot be charged a nickel more for lunch. I tell you usually anyone that has any kind of feeling for the human, or shall we say for their fellow man, would give a nickel more for lunch, number one. This is my feeling and I know there are many people more like me. I see a woman next to me with five children which has turned into welfare because I sat there for two reasons. Without food, without having my rent, our bills are completely gone, so I cannot catch up. Now, another thing is why put these people on a spot and say you have to apply through school board. Why can't it come directly through the welfare?

Chairman. They don't apply to the school board. I think that was a misunderstanding.

Norris. Look! People that are on welfare like my grant, if I had to stay on welfare, would be $159.00 a month. Would you be able to live on that with one child of your's? I don't think so ma'am. Now, why—these people are ready of fighting. Right now, I'm in the same position. And I'll tell you, I'm bleeding inside and I could just scream. Like the man said, we're going to the moon, but here we are sitting and we're starving. And that is not right, ma'am. Now, that's all I can say. I wish the welfare get in and make application for the people who really do need it and I wish that you raise that lunch money because as soon as I can get off this assistance, I will do what I can in my community to stress it, that everyone could give a nickel to children that are really needy because I find myself right now in the same predicament.

Male. Mrs. Norris, I think one thing we should keep in mind is this. Not all children eat in the cafeteria and that would mean that if those who did eat and were not needy, they would have to be footing the bill for the underprivileged, those in need. And the Board has taken the attitude, as a matter of fact this was discussed a year and a half ago and they said it would be unfair to ask the cafeteria to carry the load of free lunches * * *

Norris. Uh huh.

Male. * * * and it would be more equitable to go to a broad base—a tax base or something like that so, if we're going to have free lunches, everybody would—would participate in it.

Norris. Uh huh.

Male. * * * supported not just those people who use the services of the cafeteria and this is—the board is being very consistent here, saying we're not going to ——— this segment of the population but rather it should be equalized and we're going to use general fund money if this is the best way to equalize it. You see—you see the point on it * * *

Norris. Well, this is fine for a person who has a steady income, sir. Who sits in a position that can say well, my child is going to have lunch for 35 cents. Alright, now I know that some people have given their children luncheons to take to school because all of a sudden their husbands didn't make the equivalent money. Okay, but then the next month they were full force back in there and they could even give a nickel more. Don't you think over a period of years that those nickels all could count up?

Male. Yes it would, but—but * * *

Norris. Because the people that don't have enough money now are not having the luncheons anyway and they still ——— peanut butter sandwiches(?).

Male. Well, its a matter of how you would—how you achieve an equity here ——— concerns the Board. There are two things that I must say. Now, I'm rather shaky because I'm facing myself with a dilemma which, well, I can't help myself. And I don't think that the people really should be on the spot to put in for this again, like the young lady said, it hurts a person, when you're all of a sudden down and out. And this is so unnecessary really. You can work together with the Welfare Department, I am sure, because they are very nice people and if it wasn't for this—these people right here in the front, I still be sitting at my house and have nothing to eat. Because my pride. Like you have. Like I have.

Chairman. You have spoken already. I want to see if there's anybody else who hasn't spoken before we allow other people to speak. Yes.

Carol LeCort(?). Carol LeCot, President of League of Women Voters. Uuuhm—we would like to concur—uh—uh—the League Board discussed this at great length.—uhm—one morning and—uhm—it was our feeling that the method of application is—uh—is unnecessary and—uhm—that an automatic procedure with the Welfare Department would be—uh—a better approach because—uh—we are talking about small children who should be fed whether the parent has the initiative to apply or the will to apply or not. Therefore, it would have to be sort of automatic because you can't identify a hungry child, you can't tell by looking. Uhm—we are aware that the big problem here for the school board is—uhm—not your concern about hungry children but how to pay for it and—uhm—I would like to see—i would like to have heard—uh—if some of these people were aware of—uhm—the budgetary problems of the school board right now. And—uhm—the fact that our governor is withdrawing money—uh—and our legislature is withdrawing money—uh—from the school districts and we're—we're operating at—at minimum level already and that—uhm—paying for these school lunches isn't—isn't that simple. It isn't a matter of their holding out extra funds. There just isn't money and—uh—it is our feeling also that the—that the—uhm—method of paying for the school lunches should be—uhm—a community problem and not financed by the school district. However,—uhm—it would take a lot of concerned people, I think to convince the necessary people,—uhm—and—uh—if all of these people would show up at county board of supervisors meeting and—uhm—or write to the legislature and the government and uh—the governor in Sacramento, your feelings would probably—uhm—be heard and may be have some effect. I—I know—I realize you've discouraged (someone from audience is saying something to her in the background, but can't pick it up) Yeh, I realize it, but * * *

Wilson. * * * go up there and talk to * * *

Carol L. Yeh. Well—yeh—no—but if—if you talk * * * if you have you showed up at the County Board of Supervisors meeting?

Wilson. We're going to attend them when we get done with the city—county * * *

Chairman. Mr.—Mr. Wilson * * *

Carol L. It's just * * *—uh—I just wanted to make the point that—uhm—that, you know that—that the problem with the budget is not that the school board doesn't want to feed hungry children but they—you've got to find the money somewhere. And that—uh—it is our feeling that it is more the problem of the community rather that the school district and that the welfare department should be paying for the lunches and they should be automatic for the children on welfare.

Wilson. What did they do with the money last year? They had 170 kids and every one of 'em had to work for their lunch. That's slave labor. They've got one—one * * *

Chairman. Mr. Wilson * * *

Wilson. * * * one man, Mr. Hall * * *

Chairman. Mr. Wilson * * *

Wilson. He's the coordinator and he's going to be the coordinator this coming year. Now, have we solved anything? You tell me?

Carol L. I don't think we're talking about the same thing. We—we're talking * * *

Wilson. About the funds.

Carol L. Yeh. Where are the funds coming from?

Wilson. There—a lot of them's there. A lot of them can be get—can be got there. All they gotta be is just ———.

Chairman. Uhm * * *

Carol L. Well, I think you have to show that to me. I don't—I—I—I—I've looked at the budget and I—I don't see that it's a matter of rerouting funds, it's a matter of finding new funds.

Wilson. Just one moment—I want to ask you a question.

Chairman. Mr. Wilson. You're out of order. The lady has the floor. She * * *

Wilson. I know she has the floor. I' * * * we're just verifying a three-way switch.

Chairman. No, you're not going to do anything of the kind. You wait until she is through and then you can get to the microphone and ask a question.

Wilson. Alright * * *

Chairman. Now, we've had a very nice meeting up to this point and I don't want to spoil it for the last five minutes.

Wilson. I—I'm sorry. Go right on.

Chairman. I appreciate your remarks but I must take exception to one thing that you said that we're not concerned about needy children, that we're concerned about budget. Unless I misunderstood what you said.

Carol L. Oh, yes you did.

Chairman. The Board is very concerned about needy children and the free lunch program * * *

Rose. She did * * * she did say that.

Carol L. * * * I said that it wasn't that you were not, I knew you were * * *

Chairman. I didn't hear the "not", I'm sorry.

Carol L. . . . it was that you need to find the money. . .

Chairman. That's right. Thank you. Now Mr. Wilson. Do you have something to say because I'm going to close off this discussion in a couple of minutes?

Wilson. Several things here I'd like to say. First of all I would like to know, like—uh—Oh—all the lunch money . . .

(Cut in tape)

. . . how many children would it feed and for how long? What I'm saying is how many lunches would this buy. All the money that you have in your little budget now for how many—how many—how many lunches would it buy and how many kids would it feed for how long? Now, that's what I'm trying to say.

CHAIRMAN. We don't know, Mr. Wilson, because we don't know how many children will be qualified as September . . .

WILSON. Ma'am . . .

CHAIRMAN. . . . starts.

WILSON. Ma'am, you misunderstood me. I'm not saying—I'm not saying how or if, I'm saying all the money together what you have now appropriated for this, I' mean that's in the fist, not in the bush in the hand. How much money—how many meals could you feed—how many children could you feed this coming year?

ROSE. The truth of the matter is—not any—we haven't got the money yet, we haven't got our reserve moneys yet.

MALE. We—we estimated that we would probably feed between six and eight hundred.

WILSON. Six and eight hundred children.

MALE. That was the estimate that we were working with yesterday.

WILSON. Yeah. How about the six thousand?

MALE. Six thousand?

WILSON. Yeah. You know, if you want to go according to statistics, along the line there, they say 24–25 percent of the—all Modesto's—under the OEO poverty level.

MALE. No . . .

CHAIRMAN. No.

MALE. . . . if we were . . .

WILSON. And if you had twenty-four thous—almost twenty four thousand kids in the school, you multiply that one-fourth, it's 6,000. Four sixes is twenty four. So I—I—I'm exagerating it a few there.

MALE. If we were that level, we'd be over the twenty percent factor and we'd be seeing a great deal of special systems. . . .

WILSON. Great! Great! Let's tell the truth about it and get it.

[Laughter.]

MALE. . . . we come at the sixteen percent . . .

WILSON. Sixteen percent. You know, it's better this year than it was last year. I read a piece in the paper the other day. Some guy in New York says, them guys are living great in Stanislaus County. Can you people tell me if you're living any better this year than you was last year?

CHAIRMAN. Mr. Wilson, according to the (interrupted by laughter) according to the special assistance program you must have twenty percent of your total children enrollment in school on AFDC or at these levels in order to apply for the funds and we only have * * *

WILSON. Alright. I may—I may answer your question there. Just one—give me one moment here. Alright. ——— If you're already drawing aid you can—you can draw more money. But if you're not on aid, you're not qualified for it. Now, can you answer that question? Maybe Mr. Quissenberry could answer that question.

CHAIRMAN. That's Welfare agency * * *

WILSON. I don't know. But—but you're saying if they could get on AFDC, you can draw more money while you're on ADFC than you can before you get on it.

CHAIRMAN. This question * * *

WILSON. That's what I'm * * * I-I-I. There it is right there.

CHAIRMAN. I'm sorry * * *

WILSON. That explains it. You can't—you can't use AFDC because there's that margin right there. That little bit of margin would make a difference of hundreds of people. Hundreds of people! Just that little bit. Aaah—well we'll go on past that. Now, we're getting back—we getting back to Mr. Hall. Now—uh—it don't seem nowhere in your paper that you—you're still using him as the head lead on this. I mean he—he's the guy that's going to classify all these little bitty children for their lunches, you see. Now, you haven't weakened one bit there and you haven't said that he has done wrong. But now ——— only 170 children last year and there's 170 people working in your cafeterias and I say ninety percent of those had to work for a lunch. So they didn't get no free lunches. They get ten percent of 170 lunches. That's all they gave last year. And this Mr. Hall has found—he goes around and feeds—feels little kids ribs, I guess, I don't know, but you've got him in there now. Alright, keep him another year—he's not for us. He's not for us. The only thing he's looking for is slaves and that's exactly what you worked last year in the free lunch program. 170 kids and their hundred and seventy free lunches and all of 'em worked for them, ninety percent of them. You show me any different. And why keep him in—why keep Mr. Hall in this program. I think he could be fit a little bit better with may be a pick and a shovel out there, you know. Give him another job. Assign someone else to it.

Chairman. I'm sorry, Mr. Wilson.

Wilson. I don't think we need him. You know, and here again so make it a mandater—a—make it mandatory, got it mixed up. No child will be forced to work for his lunch and that should be in there—that should be put down there real simple in the very same words. No child shall be forced to work for his lunch. * * *

Chairman. * * * forced.

Wilson. I beg your pardon, Ma'am, I'll get you fifty in here in thirty minutes.

Parrish. Forty-nine.

Wilson. Forty-nine, I can't get fifty because there's the Fire Department said I couldn't bring in but 49. I'll get 'em enrolled for you. You're not sitting there telling me that the children hasn't had to work for their lunch—I've talked to too many people. You go out and meet 'em. Get amongst 'em. You'll hear it. (pause) And then get back to the last thing here and then I'll go on back on skid row. We're talking about this thing we call pride. People seem to forget. That's the reason you haven't got the true figure today. That's exactly the reason you haven't got the true figure today. And you can't overlook it. People has got pride, I don't care if he's in the gutter, starving to death. They got pride. And if nobody has got, you know, got the strength to talk to 'em and pick 'em up a little bit, this country is going to be in sad shape. People is too proud. They'd stand right there and let—let your children starve to death before they'd ask for lunch and these people—these great people in this society they say, you know, that a big—big knockdown, them people they're on welfare. Why they're making it better than we are. It's great. Well, let's get on out there and try to live on our standards. It's not so sweet. I make it some better than others 'cause I draw ATD, AFDC, and Social Security. You know!

Audience. Got any more? [laughter, including Wilson.]

Wilson. ———, but still yet I'm not too fat, you know, but I—I can make it pretty good on my program. I haven't got no kick on it. I can get by, but I'm talking about these people that—uh—gets down to something that they can't even—they can't—they can't even eat on. See!

Chairman. Thank you. There's one last speaker. The lady in the blue dress and then we're going to close off the discussion.

Richardson. Yes, my name is Louise Richardson and I—I want to ask you a question about you say that we have to go through the welfare department to get a free lunch for our kids. Well, I came to Mr. Hull and Mr. Hull told me that in order to get a free lunch for my daughter he had to call the Welfare Department. So he calls the Welfare Department. The Welfare Department told him that I had no funds for them to give her a free lunch. So, what did they do, they turned my daughter down. I asked them then to let her have a free lunch until I could pay for it. I would repay for it when my husband got able to work and to pay for the lunch. What did they do, they put her to work in the school. Well, I didn't object to them putting her to work in the school, but the idea of it was they turned me down. So later I went to see Mr. Quissenberry and Mr. Quissenberry told me that there was funds in my ——— for them to given her a free lunch and why did they turn her down. The kids at school made fun of her and everything. Why did they turn her down? Because Mr. Quissenberry said that—that they shouldn't have turned her down. I talked to him.

Chairman. I can't answer that question specifically because this is one particular case. However, we are changing the criteria, we hope, where the parent will go to the principal of the school where the child goes to school. This is one of the criteria that was set up for the Board to discuss.

Richardson. Yes. I went to the principal. I talked to the principal. She called Mr. Hull.

Chairman. Because Mr. Hull is the supervisor.

Richardson. So Mr. Hull called the Welfare Department and they said no—no free lunch.

Chairman. Well we hope to change the—uh—manner in which this is approached. I don't know whether you were in the room when we went over the criteria which was given to us this evening on how to arrive at those children who are eligible for the free lunch program.

Richardson. Well, what are we going to do, go through the Welfare Department * * *

Chairman. No.

Richardson. * * * and take their word whether we got—we * * *

Chairman. * * * Welfare Department

Richardson. * * * have a free lunch or not?

Chairman. —uuh— * * * uuh— * * * I don't know whether I can do it in a minute or two to explain it again. The Welfare Department has been very cooperative in doing the identification of those families who are on AFDC.—uh—they have certain criteria which is set up and when they do their investigations, their lists are available to us to that we do not have to duplicate and do exactly the same thing that they did. Now, there are those needy children who are outside the AFDC program and we are trying also to set up criteria for them. So we have taken the Office of Economic Opportunity levels of income which tell approximately how much a family of so many people makes each month and if they are below that, then they would be eligible. But I'd have to—uh—go through the whole thing with you item by item to explain it more fully. But this is the gist of it. And now the Board must decide how they want to go about doing this. Do they want to accept the guidelines that were given to us this evening? Do we want to revert back to staff because we feel we don't have enough information? Is there something else that can be given to us which would be more amenable to more people. These are the decisions that we have to make and this is the reason that you have spoken with us, to try and give us your ideas on how you feel the program should work and, we have been at it now over an hour and a half and I think that everybody who wanted to speak has spoken. I can't give you specific answers to a specific case because I don't know all of the background of the case. We are making a * * * (Cut in tape.)

Chairman. * * * aid. Are those children who pay for a week or two or a month, need free lunch program. These criteria are set up and we hope that we can abide by them when they are adopted.

Richardson. Well, if you have to go on the Welfare word for a child needing free lunches, well there—there—there—they can make a mistake.

Chairman. Everybody can * * *

Richardson. * * * because they did it.

Chairman. But the Welfare Department is only one with whom we check.

Richardson. Are we supposed to come and get down on our knees? I practically begged them to give my little girl a lunch and they flat laughed in my face and said—no. No!

Chairman. I'm sorry for that * * *

Richardson. But a little child is called into the room and asked well, will you work for your lunch? If you don't, you don't get one. Now that—that's the way they put it to her.

Chairman. I—uh—I can't give you an answer and I can't tell you why the decision was made the way it was. However, there is—there is nothing shameful about honest work.

Richardson. No * * *

Chairman. I think * * *

Richardson. I—I—I don't have no objection to her working, don't get me wrong—I don't have no—none for her working. But it was the idea of the way it was put to her.

Chairman. That's unfortunate and I'm sorry for it and we'll see if these kinds of conditions cannot be improved before the next school year. Thank you. Uh, I'm going to cut off the discussion—uh—

Parrish. * * * one very brief question.

Chairman. Alright. There'll be just Mr. Neumark and Mr. Parrish one question each. At twenty minutes of eleven by that clock I'm going to stop the discussion.

Parrish. In that case can I ask mine first? [Laughter from audience.]

Neumark. Assuming that this is a legal need and you going to vote on the budget tonight, we were promised by members of this board that there would be a resolution of the school lunch problem before the budget was voted on. The reason for that is very obvious. But if you go ahead and vote on the budget and don't make any allocation for school lunches, you may as well just turn down the whole school lunch program. You shouldn't give people false hopes. That's the problem with this country. If you don't intend to feed the children, then why don't you just say so. I think these people would be more pleased with you and recog—and recognize your courage you know for saying what you're doing. Instead of just stopping and not telling the people what's going to happen. There was a promise that this thing would be resolved, that it has to be resolved so that there can be a budget allocation. If you don't want to do it, why don't you just say it? I think they'll respect you much more if you did it that way?

Chairman. Mr. Parrish.

Parrish. Yeah. Well, like—like several others that have already talked * * *.

Chairman. I said one short question.

Parrish. Well, I have to explain the question.

Chairman. Just state the question.

Parrish. Okay. When—when you send out the letters you know to parents at the beginning of the school year, is it going to be merely an application, or is it going to say you know, if you have, if you fall below this income you're eligible?

Male. The letter has not yet been composed. I—I've only ——— an idea in my mind. It would indicate that the program does exist, what the criteria are in terms of eligibility—uh—and the procedures that one would follow in making application. We do not plan to send an application form. It has not been discussed.

Parrish. No.

Male. But a letter, a statement that it would be available to the individual upon the call or a visit to the school.

Parrish. And there would be something on the form by which they could gauge their eligibility?

Male. Yes, sir * * *.

Chairman. This will close the discussion.—Uh—I will now ask the Board members how they feel about it. There were several things mentioned and I think that, just in summary, you may want to take a recess before we take any action.—Uh—Dr. Corona said that perhaps this should be recomputed and we should take another look at it. Secondly, there was a remark made, however I don't remember hearing it at the last meeting, that before decision is made on the lunch program, that we would go to the budget and the lunch program would be decided after the budget—uh—had been looked at and the money for free lunch program had been put into the budget, or do you want to accept the guidelines as presented to us this evening, if you have any further questions concerning them—uhm—you can make the decision now, if you prefer I will call a recess for coffee for ten minutes and we can come back and make the decision. Uhm, it is at your pleasure now.

Male. I move a recess for ten minutes.

Knowles. Me too.

Rose. * * * either way.

Chairman. Alright. Then we'll have a recess for ten minutes for coffee and the Board will make a decision when it * * *.

(Tape silent while recess taken.)

Chairman. . . . with the same kind of decorum and respect for one another while the Board tries to make the decision without any interruption. We have tried to allow everyone to speak who wanted to and listened to all of the ideas that were presented to the Board. We all have a great deal of supplementary material which we have read and re-read trying to come to a proper decision and now it will be within the province of the Board of Education to make its decision. There will be no discussion by those in the audience after the Board has come to its discussion period and we hope that we will be able to come to a decision before the meeting is over. We yet have the budgets to go through, we will not take any policies this evening because it is the usual procedure of the Board that all policies, although they be discussed without a full Board. The decisions of policy are usually done by the full Board and because Mr. Bienvenue is not here, we will hold the policies in abeyance until such time as Mr. Bienvenue comes back to our meetings. I will now open the discussion between the Board members and the staff concerning the free lunch program, discussion Item 5 on the Agenda.

Rose. Well, I'd just like to open by remarking that—uh—I'm like others. I'm concerned. This—this—this is a resolve to develop a program beyond our ability to finance it and—uh—I just—I just don't know where the money would come from. That's all I have to say at this time.

Smart. I've written down quite a few notes here that based on the points . . . .

Chairman. Can you wait just a moment, Mr. Smart. Would you please ask the people out in the hall to keep their voices down. We don't want to have to close the door to the Board Room.

Smart. Many individuals getting up have made many points and I'd just like to cover them all and—as—as I can. Points were brought up that last year there were different colored lunch tickets and I would fully concur and I think this Board would that we should not differentiate in the color of lunch tickets in any form. I think this is not good and I think this coding system should be adopted. Any application form that this Board would use should be very simple so that this gives the individual the opportunity to present explicitly and simply as possible his application. I assume it would be something as we're using at Head Start which I assume is quite simple. The points been brought up several times that we don't have any money in the budget for the free lunch program. I'd like to reiterate what Mr. Eaton said. We have probably 18,000 dollars in the budget as I see it now and we also have $100,000 general reserve. Now, it's never been the policy of this Board to invade this reserve and I think by committing this program the Board is committing itself to utilizing a portion of this reserve and you all know the problems that this brings about. I gather, from the staff's recommendation that they are in effect committing us to a $60,000 program of which we have $18,000, may be $29,000 may be additional funds—so that this could mean thirty or forty thousand dollars coming from the reserve. But, as Mr. Rose has just pointed out, there's a great variation in what this program could cost. Just some rough calculations as I . . .

As I understand it there are 2700 on AFDC. 27 percent was a figure quoted, that would cost us about $60,000. 30 percent would cost us $65,000. 43 percent would cost us about $95,000. So you can see the range that we're developing already in this thing. If it gets up to 75 percent, we just don't have that kind of money and I think it's up to this Board to—if we're committing ourselves on this program we've got to consider we either do or don't have the money and how much do we have that we can commit. A point was made that we're being dishonest by saying that we're funding the program. We're being dishonest if—uh—if we're going to commit $150,000 when we know we don't have that. So I think it's up to us to then consider some sort of figure that we might want to commit to this program. A point was brought up several times that children should not be forced to work for their lunch. I—I think the Board has already agreed that this is a definite matter of policy and a child should not be forced to work for his lunch and if it's not strong enough then the present policy should be strengthened. There have been several indications that they—uh—there have been cases where children have been denied lunches by many individuals. I'd like to see, as part of this program, what we might call an audit function set up. If the individuals who want a free lunch do not get it from the principal and the others, I would think that there should be someone in the general office—central office who should be a contact ——— good advice, specific cases.

This Board was recently again told several meetings ago that many children were not being given free lunches or were being forced to work. And yet we were not given specific instances and I think it should be our concern. If there are any in this category, we should be so advised. I think if we're going to develop policies and set them up, we should be assured that they're going to be followed. I do feel that—uh—applications should be made for the funds for the free lunch. Welfare demands an application. I think our form should be simple but that we should have an application. We are responsible for these funds. We are responsible for the money. We cannot rely on the Welfare Department—they have their own funding, we have ours. So we must have some basic information on which to make * * *.

(End of tape)

That those are the basic thoughts that I have.

Chairman. Thank you. I have a question to ask Bert. Figures have been thrown around indiscriminately tonight and it's pretty difficult to keep them in correct order. U'm! They say that there are 2700 children on AFDC and our enrollment is 23,000.

Corona. Roughly.

Chairman. Uh—Has this been recomputed to find out if we're within the twenty percent to make the special assistance application to the Federal Government for funds at all?

Male Voice. The last report * * *

Chairman. Would be September 13th.

Male Voice. Yes. The last data that we looked at indicated we were still below the twenty percent level. Of course, they were attempting to amend the law to bring it down to where it would include more districts. This is one of the advantages of the State law wherein it would be dropped—I—I forget the exact percentage but below our lines so we—we would be entitled to considerably more money, but this law has not been passed yet.

Chairman. I—I think that the Board will try to make a comparable and equitable decision tonight but I would like to ask Mr. Eaton with his good offices that after enrollments come through, I guess by October 1st, the first two weeks of school there are some who don't get the other first two weeks because of work, that we keep a tab on the computations of how many students we have enrolled, what the * * * within the twenty percent if we have that many children to find out exactly so as soon as we become eligible under the present law unless the law is amended, that as soon as we hit that twenty percent, we make application for special assistance funds that might help us because there are funds in the Federal Government under special assistance and, if we are entitled to them, I would like to see us get them. I do agree with Mr. Smart and Mr. Rose about the funding. It is difficult, as you all know I think, at this time that it's very difficult to predicate exactly how much the program will cost, how many children will be eligible. I, too, feel that an application should be made, albeit a simple one, because we are responsible for the money to the taxpayers because we are using tax funds for this particular program. I don't know if anyone on the Board has anything else they want to add.

Rose. Yes, I want * * *

Chairman. Yes, Bill.

Rose. Lest I * * * uh * * * the subject you agreed with my thoughts about the money and I—I am certain we do agree there. I have some further concerns. This year, we have been forced to great considerable extremities to try to make our educational program go. We have closed schools and cut back on teachers, we have cut back on our supplies and maintenance and have gone to every kind of extremity and our budget is still unfunded, at this juncture we don't know how much we're going to get from the state, and in the past before a lot of people showed up here, we were putting money, district moneys, into free lunches, we've been putting our money where others are just now gettin' their mouths, and I'm concerned about the direction we go here because other agencies whose normal business it is to take care of those who are unable to take care of themselves are not perhaps fully doing their job, well then we are going willy nilly into the Welfare business and beyond our means and I'm terribly concerned about this development. I think that our school officials have tried to do a conscientious job making sure that there is no hunger in our schools and no human endeavor is perfect but I—I continue to be terribly concerned about this—uh—uh—it's the same thing that's been going on for years, we've been getting the same thing from the state government for fifteen years—they shove us in underneath the rug all the time, another permissive override tax.

They give a lot of lip service on what their going to do for people and—uh—but they don't do anything, they just slip another override tax to us all the time, then we can lay it on. And now we see the next level of government, a lot of lip service to service to fine ideas, one thing and another, and when the crunch is on well then what do we get? We get a tax from them, that's all. We get people who are hired to attack local agencies of government and I'm terribly concerned about this. I think we have proven, by our past action, that—uh—that, like I say, we —uh—put over ten thousand dollars of money that we—uh—that we cut back our educational program over this past year and what direction are we going? I think that—uh—at that time when we passed these emergency situations for a cafeteria ——— (muffled) ——— and because of the lunch program and we all remarked at that time we were concerned about hungry children and that's before anybody showed up here hollaring about free lunches or anything. And—uh—so I think that we've been not hard hearted in this matter and—uh—because we're all concerned about people with unmet needs but we don't have the tax base to fund all that needs—unmet needs. I'm just concerned, that's all. And I'm concerned that—uh—like they say well a lot of peoples promised 'em, well I—I'm not one to lie to people—uh—what I say I want to do, I want to do, and—uh—I don't think that we can fund—uh—I don't see how we can afford to fund a program that's on this scale. I—I—I'm distressed by it—uh—the whole situation and I think every board member is concerned about boys and girls, but—uh—this is not our primary business and—

uh--we have—we have demonstrated our concern long before anybody showed up to attack us.

Chairman. June ——— said what you wanted to say.

Woman. (Very difficult to hear) Well ——— Joyce—uh—my concerns * * *

Audience. Can't hear—little louder.

Woman. Mr. Smart has presented my concerns in his statement, and Mr. Rose has expressed my concern also that we do feed the hungry children. I'm also concerned with the fact that, as figures develop, I don't—I don't see how we can commit ourselves to $150,000 or $90,000. I think we're going to have to—I think we going to—if we accept this program we're going to have to—to do the best we can with it and we'd have to make a try and we must begin.

Rose. What * * *

Woman. I * * *

Rose. * * * important. I'm so sorry.

Woman. I think that with the figures that were presented to us, I think we're going to . . . it's going to take a lot of work, it's going to take a lot of cooperation on the part of the people also. Uh—to do your share. I think that while we can't—I can see where we can begin with—with $17,000 with an applicatin that we will receive further funds, I can see where we can take money out of our reserve funds and we could—we could begin this program and I think that—that—uh—this would be better than what we have been doing, and we need to start, but I don't see where we could spend $150,000, I don't see where we could—could ask the taxpayers to to increase the taxes and I think the legislature has—has to give some recognition to the needs and to do their part and the federal government also. And I've heard that some people say that the community would be willing—uh—to—to—if they were as informed as they ought to be, they would be able to contribute. But this is pretty hard for us to go out to ask them to contribute to—uh—to the free lunch program. This is a community problem I see also has been brought to our attention. I'm going to—to—to take a step forward and to do the best we can.

Rose. Are—are you through?

Woman. Yes.

Rose. I—I'm sorry. But the one question I would ask, not of you, particularly but pose generally, have we had like I say, no human institution or no human administration is perfect, I know that, but have we had substantial or even moderate numbers of children go hungry in our school and I just—I just wonder about that because what's—what's really going here, people have showed up to pressure us to blanket in certain—certain groups of people and—uh—that—that just isn't our thing.

Corona. We have not knowingly let a youngster go hungry.

Rose. I—I—I just doubt that that anyone that is normal would let any child go hungry.

Corona. That's not to say that some of them might have out of embarrassment, hesitance, whatever it might be—uh—I think they could probably point out some exceptions to . . .

Rose. I dare say. Like I say no—uh—I don't—I doubt very much whether we have had substantial numbers get away and I—I because I think that because other agencies whose business this is who have categories and categorical grants, it's their business to set up categorical grants but our concerned—but is it our business to go into setting up categories of people—uh—uuhm—when our primary business is education.

Woman. I've had—I've had teachers say to me that they knew that the children who come to school without breakfast, many children come to school without breakfast and . . .

Parrish. That makes lunch doubly important, doesn't it?

Woman. And—that's right. And—uh—I—I but it also, this is also the responsibility of parents. If their children are coming to school without a breakfast then I think they ought to come to school and—and let us know this so that they could get a lunch. I mean—and I know of teachers some teachers who have fed children, but they—but should the schools provide breakfast for all children * * *.

Rose. Well, that would * * *.

Woman. See, what I mean, I mean * * *.

Rose. That would probably include two-thirds of the girls in high school that go purposely without breakfast.

Woman. That's right. That's right. But I mean young children. I'm thinking about young children. (short pause)

Chairman. Is there a possibility knowing our funding situation, knowing that we have no undistributed reserve in the elementary and—uh—knowing at this time that we have some money budgeted plus the first $11,000 that will come—uhm—from the state, if we (cut in tape, missed a few words) commit at least some of the funds of the general reserve to the program—uh—until at least the first couple or three months of school to find out by that time exactly how many children are enrolled, how many children are on the AFDC program, to find out if they are eligible for special assistance—uh—and maybe take a look at it again in three months—uh—I believe, as Jean does that we have to start and we have to take a step. I think that we all watched the astronauts last night and they also said that this was a step, whether it's a giant step for mankind, I don't know. It is a step, however. And I feel that we have to start someplace. Uuhm—I don't think that this list of criteria is a bad one, in fact I think it's rather a good one, it's taken a great deal of thought . Uh—I don't know how much we can commit—uh—but I think that perhaps this is the place that we should start. Uh—as I said before, I don't think it's the schools' responsibility to take on a community program. I don't even know whether the Board of Supervisors is aware of this particular problem and the role that they, as elected officials in the community, should play in this. It was my understanding that one of the Board of Supervisors had said: You're eligible for all kinds of money, why don't you ask for it? And he wasn't aware of the law, that there is a twenty percent enrollment factor before you're even eligible to make application for specific funds; that we are at the mercy of the legislature.

We all know the county budget a great deal of it goes to welfare. We also owe allegiance to our teachers. We haven't even discussed teacher's raises, we don't even know how much money we're going to get from Sacramento, we know the way the budget stands now predicated upon the tax base that we have, that we are absolutely strapped for funds and I think that this is the greatest concern of the Board. I think that if we had reserves over and above what we normally have, there would be no question as to committing these funds in toto to the free lunch program because I think all of us are definitely concerned. Mr. Smart has seven children and I know that he has a concern. My children went through Modesto schools and I had concerns when they were going, as had Mr. Rose and Mrs. Knowles; Mr. Bienvenue still has two children in our public schools. Uh—don't think for one minute that we, as Board Members, are hard hearted, that we want any child to go hungry because nothing could be further from the truth. But I just feel that there has to be more community effort. We will try to do what we can to the best of our ability with the funds which we have to work but I also feel that the Board of Supervisors, which is a public agency must be made aware of the problem. I am sure the welfare department is well aware of the problem and we have two gentlemen who are here tonight from the Welfare Department. Both Mr. Quissenberry and Mr. Green. They are aware of the problem. This has been going on for a long time. I would hate tonight to close the meeting without having come to a decision because this is already the second month of discussion.

I think that perhaps we should commit a specific amount of money for the time being or maybe for the whole program as we see it in this point in time until we find out what the state's going to do as far as allocation is concerned and then by October 1st what our total enrollment will be, the number of needy children to find out if we're eligible for extra funds. And, other than that, I don't see what else the Board can do.

Knowles. Mr. Eaton, do you see any place where—where this money would come from except from the reserve. Would there—could there be any savings as the year * * *.

Eaton. Mrs. Knowles except for the special assistance funds which we've mentioned, there are only two cources available to you; that is the reserves, which you're speaking of, and levy of tax. Now, there's one third possibility and, of course, this is the one which affects our total educational program—what's going to happen in Sacramento. And, at this point, the only thing that we're assured of or half way assured of, is an additional three dollars per pupil which in elementary districts is $36,000 and against this you have a half a million dollar commitment.

Knowles. And we have * * *.

Eaton. A half a million dollars of needs.

Knowles. That's right. We have teachers' salaries; we have programs that we have capital outlay, we have maintenance, we have * * *.

Rose. We have no reserve, we have no anything.

Knowles. * * * we have.

Rose. That's my main * * * that's my conc * * *.

Knowles. There may be changes * * *.

Rose. My concern.

Knowles. When it comes—when the final bill comes out of legislature but Dr. Corona and I were both in the Legislative halls Friday afternoon and the best assurance that we had was $11.00 at the beginning * * *

Male voice. Minimum. I'm sure of that.

Male voice. As a minimum.

Chairman. This is the original money that was allocated?

Male voice. Right. And we've used this eight dollars in the current budget which allows us three additional dollars. We say we're sure, Bert, but we're really only—we really don't mean it.

Rose. My concern we've performed the harshest of economies on—on our—on our educational program and plant and everything else, and then to—to say that we're going to put in a—a program that there's no way to tell how much its going to cost—I mean we can go ahead and bankrupt the district and then you've flagged your flap but that's not very ——— I won't—uh—I—I'm not anxious to be a party to that. (Pause.)

Chairman. Are you ready for a motion that could be discussed? (pause)

Rose. Is there any way that we could * * * we've cut back everything else. Is there any way we could maintain the same level of commitment that we've made this year? (comments from Board—short laugh, and "Mr. Rose")

Rose. Out of our moneys. I mean—well I mean, what we did this past year out of our own money.

Male voice. Well, I'm not even sure that the continued implementation of the AFDC need would stay within that boundary. Because I think it's been the last—well, it's just practically tripled over the last year and I think that as more people know about it, that the needs are—uh—greater, that I think there's been a rather spectacular increase in our—in the participation in the program. I would speculate it would be just to continue what we're doing right now with the unmet need concept * * * double * * * sure. ——— it's just a speculation as—uh—we pointed out here one of the real problems is that people don't know about it. This communications thing. I think we're going to have a lot of help communicating about this program.

Rose. Well, if we go ahead and bankrupt the district, that will turn it off. The money's gone, it's gone.

Chairman. Mr. Eaton—uh—if we decide on a $60,000 outlay and assuming that we get $29,000 of the money that's been budgeted plus the $22,000 from the state, can you just quickly give me an idea out of the general reserve of the elementary and the general reserves of the high school, about how that would deplete what we have in general reserve. Mr. Summers in the room?

Male voice. Well, I'm looking for Harley.

Chairman. Mr. ——— (sounds like Mr. Poine.)

Male voice. Of the $11,000 plus dollars free to meals this past year.

Male voice. What was the split between elementary and high, do you recall? Approximately the percentage. How was it split? The actual * * *

Male Voice. (Speaking quietly in background—couldn't pick up words.)

Male Voice. Well, then, to answer your question * * *

Chairman. We would have to come up with $31,000 assuming * * *

Male Voice. * * * approximately fifteen thousand * * *

Chairman. Fifteen thousand from each of the districts * * *

Male Voice. The high school district, as you know is in, at least reserve wise, considerably better condition than the elementary although the cuts in the high school accounted partially for that but if you did, you'd have reserves of around $22,000 in the high schools and the undistributed at this point and of course in elementary you have, at this point you have no undistributed and, as I indicated to you, you would have the decision to make at your August 4th meeting—uh—what you were going to budget in the way of undistributed reserves out of the very small $76,000 general reserve. You know your minimum * * * (cut in tape) the minimum in the same size for the past ten years although inflation and budgets have grown is $150,000 so, in the elementary district you are already $75,000 short.

Chairman. We only have 76 in general reserve and no undistributed reserve. So, if we took $15,000 from there would leave us with 60.

Male Voice. Right. Now, you should recall I think we—we would be very safe in saying—elementary district we should—we should expect another $36,000 from the state. We could—we could get significantly more. There are two bills that are kicking around and changing day by day the amounts * * *

Chairman. They had two bills today, didn't they? (All the Board commented at once—couldn't pick up individual statements.)

Male Voice. 606 and * * *

Chairman. 156.

Male Voice. Now those two will go into comm * * *

Noles. Committee.

Male Voice. Committee and what comes out * * * nobody knows.

Noles. The only thing we're assured of is the 120 million?

Chairman. But that's for the whole state.

Noles. That's for the whole state. I mean * * * that's that's

Male Voice. Senator Teale said the other day, it's really not 120 million, it's—it's closer to 80 million?

Noles. Eighty!

Male Voice. 75 million because what they * * * by the time he takes his ongoing programs out of it, which really aren't—uh—special programs and special programs you've only got 75 million * * * for the general education program. So, he points out the 120 million is really not a very accurate figure either. Nonetheless,—uhm—the 180———somewhere between the 180 million in Basey's Bill and the 75 to 80 million in—uhm—

Chairman. Teale.

Male Voice. Teale's bill, the districts could still come out, particularly the elementary could still come out with—with a very amazing appropriation. It goes on two factors either urban or major supple * * * supplemental aid. If the—if the supplemental aid level stays where it is now, it will mean practically nothing. We should know some, at least the formula * * * two weeks? Three weeks. Whenever they get through with committees.

Chairman. But then the governor might veto it anyway.

Male voice. So you can only really count about $3.00 per pupil in both districts.

Chairman. What is the pleasure of the Board? Do you want to set it up or limit what you feel you can finance at least to start, hoping that we'll get extra money that we might become eligible for special assistance funds? I think we are consensus of opinion to at least try to do better than we did last year. How, or with what, I dont' know but let's * * *

Rose. Well * * *

Chairman. Let's try. Let's look at the budget and try.

Rose. If—if you set up with a given amount of money and say it runs at a rate fifty percent above your limit, where do you go when you've eaten up the money? Do you cut off those that are really hungry?

Male voice. I think you'd have to try to adjust it. It's a difficult problem. I think the objective is to try to start on some basis.

Rose. I mean—I mean—uh * * *

Male voice. * * * problems, I agree.

Rose. Because, I mean, let—let's face it. There's—there's more than one category of need here, we're talking about. I mean, there's those that are really hungry and there's those that would be—would be—be—be nice, you know. For 'em to have it.

Parrish. * * * discuss the program that covers the last category yet.

Rose. And—uh—I mean, maybe their parents would have to cut out smoking cigarettes or something, but * * *

Parrish. I'd like to speak to the Board.

Chairman. Mr. Parrish you're out of order. You're out of order.

Parrish. So is he, I think.

Audience. The Board can't be out of order.

Chairman. I said there would be no discussion from the floor at this point while the Board tries to come to some kind of an agreement * * *

Audience. We went along with you, now you go along with us * * * correct them as well as us.

Male voice. I just want to throw something out here, talking about committing. Uh, maybe we should consider committing say an average of 400 lunches a day, talking about 170 something last year. This is better than double, about two and a half times and this, I think, would indicate a step forward that we're trying to do and—uh—indicate a willingness on the Board to move ahead with the free lunch program.

Chairman. What's the computation * * * (too quiet to hear)

Male voice. Estimated 32 thousand * * * (too quiet to hear)

Chairman. Is that for both districts?

Male voice. Yeh, I'm just—I'm just picking a figure here. 400 lunches is better than double, two and a half times what we're doing and—uh—indicates a willingness on the Board to try to move towards a * * *

Rose. And—and—and—and what. In—in—in terms you just have to toss out these criteria.

Male voice. I don't think you toss out the criteria. I think you—uh—uh—administration of the thing becomes more difficult and so on.

Chairman. I think this criteria helps to set it up.

2nd male. What we would have to do, I think, if this were the guideline would be go back and restudy and draw a new line and this would be based on an analysis of the data we would have and it would be speculative. If we found that the program, as it moved, didn't consume that, we could relax the standard, move up or if we found it consumed too much, too many were involved, we would have to curtail. I think this would be a guideline that could be observed and administration ——— some kind of correction.

Chairman. I think we need guidelines set up because I think that helps to administer the program and is not a indiscriminate type of decision. I think this is probably one of the problems of this—uh—yes and no depending on many factors. I think that you need guidelines. Now, there may be one or two that need rewording or changing, but I think the general outline of guidelines are needed.

Rose. Then—then you would want to amend it to say that you would move a guideline within that criteria.

Male voice. That we would reconstruct the criteria that has been proposed here to provide—to allow for the extension of about 400 lunches . . .

Rose. . . . on that level . . .

Male voice. We'd have to look at it, it might be more. We even have, in estimating the cost, we'd (Rose coughed here and couldn't catch sentence) that we would have to restruct this this . . .

Chairman. We may find we can go up to 500 with what we are allocated. We may have to cut it back to 350. I think Joe picked 400 because this seemed to be kind of a central level.

Rose. You feel that that's a level which we could support and and within—and not drive our reserves ruinously low or . . .

Male voice. $32,000—22,000 probably will come from the federal government . . .

Rose. Yeh. That be . . .

Male voice. Already budgeted $17,000.

Rose. I think that would be fair.

Chairman. That's very close. And then if we get extra money we can always increase the program.

Rose. Yes. Because—uh—just to going in to unlimited categorical program—I mean—we're we're courting disaster.

Chairman. Well you'll get into unlimited programming if you don't have set guidelines.

Rose. That's why I say—well—then there has to be a guideline.

Chairman. Yes. Well, I think that for general purposes the guidelines that were presented that we go by these particular guidelines—uh—if they have to move up or down it will come back to the Board then we will make the readjustments. Uh—if we find after October 1st that our enrollment is down and there are more children eligible within the twenty percent to make special assistance application. If we find our enrollment is up and AFDC is down, then of course we will not be eligible but will have that fewer children to feed.

Rose. Well, I think that's a reasonable approach, I mean, we—we want to be able to do what we say we're going to do.

Chairman. That's right.

Rose. I mean—uh—uh—to say because to say something that we can't do—uh—I don't—but, if we have a program where we can do what we say we're going to do why I—I'm for that. And somthing that we can—can manage but—uh—(pause.)

Male. Well, on that basis, I'll move that the Board of Education approve the criteria as set forth in the agenda, for continuation of the free lunch program and commit an average of 400 lunches a day for the next school year.

Chairman. That's for the whole school year?

Knowles. Unless * * *

Male. An average of 400 a * * *

Knowles. Unless—unless we get extra needed funds to * * *

Males. Well, let's worry about that * * *

Knowles. Yes, that's—I mean * * *

Male. Yeh.

Chairman. I think the—uh—is there a second to the motion.

Knowles. I'll second the motion.

Chairman. It has been moved by Mr. Smart and seconded by Mrs. Noles that the Board of Education approve the criteria as presented tonight as guidelines and as they have been set forth in the agenda and that we continue the free lunch program to an average of 400 lunches a day.

Rose. Would it—I think—there was some mention that the guidelines would have to be so adjusted so as they * * *

Chairman. Yes. That was the understanding.

Rose. So adjusted so that it would run at about that level, I mean—uh * * *

Chairman. And it is also, I think—uh—direct guidance to the staff that after school enrollments are listed, when we have an accurate account, I think it's usually by October 1st and by that time the quarter will have started again and the Welfare Department will know how many AFDC children we have, that we review it to find out if we are eligible for special assistance funds from the federal government. Is there any further discussion? (Pause.) All those in favor. Opposed. So carried. We will go to the adoption of the publication budget for the Modesto City schools.

Audience. Yeh. You're talking hundreds when we should be talking thousands * * *

(Muffled comments from audience.)

At this point everyone in the audience is leaving and the Board continues to discuss the publication budget for a few minutes.

Male voice. (End of a speech) * * * the idea of course as the Board well knows to punish—punish those rich districts that refuse to unify and help those poor districts who couldn't unify, or something. (Pause.)

Rose. Don't ——— just because the music stopped.[General laughter.]

Male. Are we going to be on the front page tomorrow?

Female. I—I—I really can't tell. [Laughter.]

Male. Common Billy. [Laughter.]

Rose. You gotta work at it. (Laughter and comments.)

Chairman. Everybody still in the hall?

Male. I think so.

Chairman. Huh?

Male. They're still there.

Male. We'll probably go out and have flat tires and (sounds like faces or pages) in our windows.

Rose. I came in my old pickup tonight. . . . beat the hell out of that.

Chairman. My ——— car is at home.

Male. Oh good!

Male. I'll move the recommendation under 6 with no changes.

(Board continues publication budget business also with other business. In the middle of their discussion re coaches for the high schools, is the following . . .

Male. . . . Downey—I have been told . . .

Chairman. Excuse me, Mr. Elliott, has everybody gone . . . the policeman is still in the hall.

Male. Are the police watching our cars?

Male. No. I trusted them—your your appreciation . . .

Chairman. Are we being charged for the police to be here tonight?

Male. Uhh the city—they're on holiday routine but the city is taking care of it, we're not being . . .

Chairman. May I ask that a letter be written to thank them. I'm sorry, Dr. Elliott, go ahead.

(continuing discussion on Board business) to end of tape.

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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLIE SHAW; JOSEPH SHAW, DONALD SHAW, ANNA MARIE SHAW, RICKEY SHAW, HOWARD SHAW, minor children through their mother and general guardian, BILLIE SHAW; ALTA RAE BATEMAN; LINDA HELLBERG, DENNIS HELLBERG, GLEN HELLBERG, CAROL HELLBERG, minor children through their mother and general guardian, ALTA RAE BATEMAN, individually and on behalf of a class of similarly situated persons,

Plaintiffs,

vs.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT; CLIFFORD M. HARDIN, Secretary of the United States Department of Agriculture; EDWARD J. HEKMAN, Administrator of the Food and Nutrition Service of the United States Department of Agriculture; CHARLES ERNST, Director, Western Region, Food and Nutrition Service of the United States Department of Agriculture; GEORGE RANDALL, Director, Food Program Services, Western Region United States Department of Agriculture; MAX RAFFERTY, Superintendent of Public Instruction and Director of Education, State of California; JAMES M. HEMPHILL, Supervisor, Food Services, California Department of Education,

Defendants.

Civil Action No. S-1336

INDIVIDUAL AND CLASS ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF-AMENDED COMPLAINT

JURISDICTION

1. This action seeks to compel the defendants to comply with their federal statutory and contractual duty of providing each needy Modesto School child with a free or reduced rate lunch This action arises under the National School Lunch Act, 42 U.S.C. § 1751, et seq. and the Commodity Distribution Program, 7 U.S.C. §§ 612c and 1431, and under the Fifth and Fourteenth Amendments to the United States Constitution. A declaration of rights is sought under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202. The amount in controversy herein exceeds the sum of $10,000.00, exclusive of interest and cost. Jurisdiction of this court is invoked under 28 U.S.C. §§ 1331 (federal question), 1337 (interstate commerce), 1343 (civil rights), 1346 (United States as defendant), and 1361 (mandamus), and under 42 U.S.C. § 1983 (denial of constitutional right under color of law).

DEFENDANTS

2. Defendant Governing Board of the Modesto City School District and the Modesto High School District (hereinafter sometimes referred to as "the Modesto School Board", "the School Board," and "the Board") is the legislative body of the Modesto City School District and the Modesto High School District (hereinafter sometimes jointly referred to as "the Modesto School District," "the School District," and "the District".)

3. Defendant Clifford M. Hardin is Secretary of the United States Department of Agriculture and in said capacity he is responsible for the administration and operation of the National School Lunch Program. Defendant Edward J. Hekman is the Administrator of the Food and Nutrition Service and is directly responsible for all federal food programs administered by said department. Defendant Charles M. Ernst is a subordinate of Mr. Hekman and is the Director of the Western District which includes California. George Randall is a subordinate of Mr. Ernst

and is responsible for the administration of the National School Lunch Program in the State of California. Each of these defendants is sued solely in his official capacity.

3A. Defendant Max Rafferty is Superintendent of Public Instruction and Director of Education for the State of California. In said capacity he is responsible for the administration of the National School Lunch Program in California. Defendant James M. Hemphill is a subordinate of defendant Max Rafferty and is responsible for the administration of the National School Lunch Program in California. Each of these defendants is sued solely in his official capacity.

CAUSE OF ACTION

4. Under the National School Lunch Act the United States Department of Agriculture (USDA) provides cash and commodity subsidies to the Modesto School District subject to the condition that every needy child in the District's schools receives a free or reduced rate lunch.

5. As an incentive to school districts, including the Modesto School District, to participate in the school lunch program, the federal statutes also permit the use of such federal funds and commodities to provide cut-rate subsidized school lunches to the wealthy and middle-class children in said districts, but only so long as every needy child receives a free or reduced price lunch. In the Modesto School District, however, the school lunch program has been administered almost entirely to benefit wealthy and middle-class children while excluding its intended beneficiary, the needy school child.

6. During the 1968-69 school year, the School District received $237,896.83 in federal school lunch subsidies. 86.7 per cent of this aid was used to subsidize the lunches of the wealthy and middle-class.

7. The Modesto School District received enough federal

money and commodities in 1968-69 to provide free lunch to 4,032 needy children. Since there were only 3,291 needy children enrolled in the District's schools, the School Board could have provided free hot lunches to all the needy children and still have provided a substantial subsidy to the wealthy and middle-class. However, because nearly all the subsidies were diverted to reducing the price of lunches for wealthy and middle-class children, only 170 out of 3,291 needy children per day received hot lunches.

8. The School Board's refusal to serve lunches to needy children pursuant to the explicit terms of the National School Lunch Act has directly retarded the education of Modesto's poor children. Most needy children who regularly go without lunch also go without breakfast and have nothing to eat during an entire school day. Their consequent hunger causes them to suffer headaches, intestinal discomforts and lower concentration spans. These factors reduce the general ability level of the Modesto's needy children and serve to reinforce existing patterns of poverty. In short, the child who does not eat does not learn. (USDA Publication PA-179, p.3)

THE SCHOOL LUNCH PROGRAM

9. The National School Lunch Act, enacted twenty-three years ago (June 4, 1946), specifically requires that every needy school child in every participating school district receive a free or reduced-price lunch [that is, a lunch that a needy child can afford]. And, unless all needy school children are provided with such an opportunity, no federal funds or commodities can be used to subsidize or lower the price of any lunch provided to wealthy or middle-class children:

> Lunches . . . shall be served without cost or at a reduced price to children who are determined by local school authorities to be unable to pay the full cost of the lunch. (42 U.S.C. § 1758, emphasis added.)

10. Under the National School Lunch Program, federal funds and commodities are granted by the USDA to the California State Department of Education, which in turn apportions them to the various California school districts, including the Modesto School District. The school districts receiving these funds from the California Department of Education must sign an agreement specifically assuring that the Districts will

> . . . supply lunches without cost or at a reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof. (7 CFR § 210.8)

11. The USDA has published notice that:

> . . . free or reduced price meals should be provided to children from any family certified as eligible for assistance under the Food Stamp Program or the Commodity Distribution Program and children from families participating in any of the various programs of public assistance such as Aid for Dependent Children, as well as families determined to be eligible under local standards related to local conditions. (33 Fed. Reg. 15674 Oct. 23, 1968)

12. The obligations of the Modesto School District pursuant to the School Lunch Program are minimal, but they unequivocally include requirements that school lunches be: 1) hot; 2) nutritious; and 3) served to all needy children. Upon information and belief, the Modesto School District has fully and effectively complied with requirements 1 and 2 and has totally failed to comply with the third and most important requirement, that all needy children be eligible to receive said lunches. Under the National School Lunch Act, it is the responsibility of the USDA to assure that the Modesto School District complies with all federal requirements as a condition of receiving benefits.

MODESTO SCHOOL LUNCH PROGRAM, 1968-69

13. During the 1968-69 school year, the school lunch program was operated by the Modesto School Board in a manner calculated to prevent participation by needy, eligible children.

14. Over 21,000 children are enrolled in the schools of the Modesto School District. During the 1968-69 school year, 2,941 of these came from families supported by welfare assistance under the federal-state Aid to Families with Dependant Children Programs (AFDC). On information and belief, 350 additional pupils came from equally poor and poorer families not receiving welfare assistance.

15. Only 5.2 per cent (170 out of 3,291) of the low-income children in the District's schools received school lunches.

16. During the 1968-69 school year, the Modesto School District expended $217,283.68 in federal funds and commodities to reduce the price of lunches served to wealthy and middle-class children. Notwithstanding its obligation to feed every needy child in the district, the Modesto School District allocated only $31,654.50 to feed needy children. (In fact, only $11,041.35 of the allocation actually was used for free lunches for needy children. See Exhibit A, attached to this Complaint and hereby incorporated by reference as a part therof.)

MODESTO SCHOOL LUNCH PROGRAM, 1969-70

17. In June, 1969, parents of hungry school children appeared before the School Board to plead for an adequate school lunch program. The Board insisted that every needy child in the District was being provided with a free lunch. However, when the facts alleged in Paragraphs 6 through 16, _supra_, were submitted to the Board, the Board admitted that the school lunch program had been inadequately administered and that only a small percentage of the hungry children in the district had received school lunches.

18. Notwithstanding its earlier admission that a great majority of hungry children were being excluded from the hot lunch program, on August 25, 1969, the Board adopted an eligibili standard which is arbitrary, subjective and totally unrelated to a child's ability to pay for a hot lunch.

19. Plaintiffs Joseph, Donald, Anna Marie, Rickey, and Howard Shaw will be automatically denied free lunches under the Board's subjective eligibility standard even though their family's annual income is $840.00 below the minimal level for survival as determined by the State of California.

20. Plaintiffs Joseph, Donald, Anna Marie, Rickey and Howard Shaw will be arbitrarily excluded from receiving hot lunches even though they received free lunches in 1968-69 and their family's income will be substantially lower in 1969-70.

21. Plaintiffs Linda, Dennis, Glen and Carol Hellberg will be denied free lunches even though their family's income is $30.00 per month below the minimal level for survival as determined by the United States Government.

22. Plaintiffs and thousands of other children who cannot afford to pay for a hot lunch will be excluded from the school lunch program solely because the Board refuses to commit more than $29,000 to feding needy children. This is a decrease of $2,654.50 from the 1968-69 commitment, which the Board admitted was inadequate to feed more than a small percentage of the hungry children in the district. On the other hand, the Board rededicated itself to subsidizing the school lunches of the wealthy and middle-class in an amount greater than $200,000.0 ($217,283.68 was spent in 1968-1969, no foreseeable change is anticipated for 1969-70.)

23. The Board's eligibility standard is arbitrary and unrelated to the ability of a child to buy a lunch because the Board's sole purpose in formulating and adopting the standard was to restrict participation in the school lunch program to 400 needy children. (12.2% of the 3,291 needy children in the District.) The Board's exclusion of 87.8% of the needy children from participation in the school lunch program is based solely on its refusal to commit more than $29,000 to needy children.

24. The Board further decreed that if its eligibilty standard does not exclude all but 400 needy children from participation in the school lunch program, the standard will be made even more restrictive.

25. Notwithstanding the violations of the National School Lunch Act by the Modesto School District as set forth hereinabove, defendants Hardin, Hekman, Ernst, and Randall, have taken no steps whatsoever to require the Board to comply with its federal statutory and contractual obligations, and have continued to provide the State of California with funds and commodities for the District worth almost a quarter of a million dollars annually. Unless restrained by this Court, the aforementioned defendants will continue to fail and refuse require the School Board to comply with its federal statutory and contractual obligations.

25A. Notwithstanding the violations of the National School Lunch Act by the Modesto School District as set forth hereinabove, defendants Rafferty and Hemphill have taken no steps whatsoever to require that Board to comply with its statutory and contractual obligations, and have continued to provide the Modesto School District with funds and commodities for the District worth almost a quarter of a million dollars annually. Unless restrained by this Court, the aforementioned defendants will continue to fail and refuse to require the School Board to comply with its statutory and contractual obligations.

PLAINTIFFS

26. Plaintiff Billie Shaw is a 38 year-old mother of six children and a resident of the Modesto School District. Five of her children, plaintiffs Joseph, Donald, Anna Marie Rickey and Howard Shaw, are enrolled in the schools of the Modesto School District. The affidavit of plaintiff Billie Shaw is on file with the Court and is attached to the original Complaint. A copy of

this affidavit is attached to this amended complaint, and is hereby incorporated by reference.

27. Plaintiffs Alta Rae Bateman is separated from her husband, and is entirely dependent upon welfare and child support for the survival of her four minor children. During the 1968-1969 school year, Mrs. Bateman's children, plaintiffs Linda, Dennis, Glen, and Carol Hellberg, attended school in the Modesto School District.

28. In early June, 1969, Mrs. Bateman's husband abandoned her without any aid. Attempts to receive emergency assistance from the welfare department were futile. In an effort to secure at least one nutritional meal for her children, Mrs. Bateman requested free lunches for her children. This request was summarily denied. During the last two weeks of the 1968-1969 school year, Mrs. Bateman's children often went without any lunch whatsoever, and were forced to stand in the school yard while the other children ate hot lunches. The affidavit of plaintiff Alta Rae Bateman is on file with the Court and is attached to the original Complaint. A copy of this affidavit is attached to this amended complaint, and is hereby incorporated by reference.

29. The School Board's denial of free hot lunches to plaintiffs Joseph, Donald, Anna Marie, Rickey and Howard Shaw, as set forth, supra, in Paragraphs 19 and 20, and to plaintiffs Linda, Dennis, Glen and Carol Hellberg, as set forth, supra, in Paragraphs 21, will cause them irreparable injury in that they will not receive a nutritional lunch and will consequently suffer impairment of their health and education.

CLASS ACTION

30. This is a proper class action within Rule 23 of the Federal Rules of Civil Procedure. The named plaintiff children represent the class of needy school children in Modesto who are denied school lunches under the National School Lunch Act solely because of the defendant's refusal to comply with the statutory

requirements of 42 U.S.C. § 1751 et seq. The named parents represent the class of parents whose needy school children are denied school lunches for which they are fully eligible pursuant to the Congressional mandate.

31. The members of the aforementioned classes are so numerous that their joinder is impracticable. Nevertheless, members of the classes have common interest in the questions of law and fact to be litigated herein. The claims of the plaintiffs are typical of the classes, and litigation by them will fairly and adequately protect the interest of the classes. The wrongs of which plaintiffs complain are generally and equally applicable and applied to every member of the classes,making relief as to all appropriate.

CONTROVERSY

32. There is an actual controversy now existing between parties to this action as to which plaintiffs seek the judgment of this court. Plaintiffs seek a declaration of the legal rights and relationships involved in the subject and controversy.

33. Plaintiffs, and the class they represent, have incomes substantially below the minimum needed for even a subsistence level of existence. They will suffer irreparable injury and severe economic deprivation by reason of the violations of the National School Lunch Act as set forth herein.

34. Plaintiffs, and the class they re[illegible] plain, adequate or speedy remedy at law to redress such injury and deprivation and therefore bring this suit for declaratory and injunctive relief as their only means of securing such relief.

WHEREFORE, plaintiffs pray that this Court:

1. Temporarily restrain defendant Modesto School Board from failing or refusing to provide free lunches to all children who were eligible under the standard employed by the Board for the 1968-1969 school year and whose families' income has not

increased sufficiently to render them ineligible under that standard;

2. Preliminarily and permanently enjoin the Modesto School Board from failing or refusing to make eligible for free hot lunches any school child from a family certified as eligible for assistance under the Food Stamp Program, or from a family participating in any of the various programs of public assistance such as Aid to Families with Dependent Children, or from a family determined to be eligible under local standards related to local conditons;

3. Declare that as a conditon of receiving benefits under the National School Lunch Act, the Modesto SChool District is legally obligated to serve free or reduced rate lunches to all children who are unable to afford the full cost of the lunch;

4. Declare that as a condition of receiving benefits under the National School Lunch Act, the determination of [illegible] children eligible to receive free or reduced rate lunches must be made on the basis of a child's ability to pay for [illegible] a lunch and without regard to any limit on the number of free or reduced rate lunches to be served.

5. Preliminarily and permanently enjoin defendants Hardin Hekman, Ernst, Randall, Rafferty, and Hemphill from failing or refusing to require the Modesto School Board to make available a free or reduced rate lunch to every school child in the Modesto District from a family certified as eligible for assistance under the Food Stamp Program, or from a family participating in any of the various programs of public assistance such as Aid to Families with Dependent Children, or from a family determined to be eligible under local standards related to local conditions;

6. Award to plaintiffs their costs;

7. Provide such further relief as may seem proper.

KELLEY, LIVINGSTON, ZAVALA,
NEUMARK, LOWENSTEIN & MATTISON

By Gene Livingston
GENE LIVINGSTON

By
PHILIP NEUMARK

By Daniel Hays Lowenstein
DANIEL HAYS LOWENSTEIN

Attorneys for Plaintiffs

VERIFICATION

We, the undersigned, are two of the attorneys for the plaintiffs in the above-entitled action. We have read the foregoing Individual and Class Action for Declaratory and Injunctive Relief and know the content thereof; and that the same is true of our own knowledge except as to the matters which are therein stated upon information and belief, and as to whose matters we believe it to be true.

We certify under penalty of perjury that the foregoing is true and correct.

EXECUTED on September 10, 1969, at Modesto, California.

Philip Neumark

Daniel Hays Lowenstein
Daniel Hays Lowenstein

EXHIBIT A

Although the School Board purported to spend $31,654.50 in school lunch funds for needy children (13.6 percent of federal subsidies), in fact only $11,041.35 was actually spent on free lunches for children unable to afford the full price of a lunch.

The remaining sum of $20,613.15 consisted of Special Assistance funds received pursuant to 42 U.S.C. § 1759a, for the sole purpose of serving "lunches to children unable to pay the cost of such lunches." In violation of 42 U.S.C. § 1759a, the Modesto School Board diverted these Special Assistance funds to subsidize wealthy and middle-class children by lowering the price of all lunches, without regard to the students' needs, in ten so-called "target area" schools. The wealthy and middle-class students who constituted 73.4 per cent of the enrollment in these "target area" schools purchased most of these federally subsidized hot lunches. In stark contrast to the $237,896.83 used to lower the price of hot lunches to wealthy and middle-class children, the Modesto School District expended only $11,041.35 for free lunches.

AFFIDAVIT

STATE OF CALIFORNIA)
) ss
COUNTY OF STANISLAUS)

I, BILLIE SHAW, being first duly sworn, depose and say that:

I am the 33 year-old mother of six children and a resident of the Modesto School District. Five of my children attend Modesto District Schools.

My annual income is $840.00 per year below that which the State of California said my family requires for its needs.

My income for 1969-1970 will be less than that which I received during 1968-1969 because I will not be able to work in the canneries as I have to stay home to care for Rickey, my sick child.

During the 1968-1969 school year my children received free lunches. I believe this is right because I cannot afford to buy my children a hot lunch.

Billie Shaw
BILLIE SHAW

Subscribed and sworn to before me
this [illegible] day of September, 1969.

Marjorie A. Dobervich
Marjorie A. Dobervich
Notary Public in and for said
County and State

My Commission Expires: June 26, 1972

OFFICIAL SEAL
MARJORIE A. DOBERVICH
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
STANISLAUS COUNTY
My Commission Expires June 26, 1972

AFFIDAVIT

STATE OF CALIFORNIA)
) ss
COUNTY OF STANISLAUS)

I, ALTA RAE BATEMAN, being first duly sworn, depose and say:

I live in Modesto, Stanislaus County, California, with my four minor children. I am separated from my husband and totally dependent on welfare and child support. My income is about $[illegible] per month below what the federal government said my family needs for its basic care.

Two weeks before the end of school, in early June, 1969, my husband abandoned me, leaving me with no financial resources whatsoever. I asked the welfare for emergency assistance but was turned down. In an effort to get one good meal for my children, I asked the schools for free lunches, but this request was denied. During this two week period, my children often had to go without any lunch at all. They stood in the school yard while the other children ate their hot lunches.

My children need free lunches as I am not able to give them enough money to buy a lunch.

Alta Rae Bateman
ALTA RAE BATEMAN

Subscribed and sworn to before me
this 1st day of September, 1969

Marjorie A. Dobervich
Marjorie A. Dobervich
Notary Public in and for said
County and State

My Commission Expires June 26, 1972

OFFICIAL SEAL
MARJORIE A. DOBERVICH
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
STANISLAUS COUNTY
My Commission Expires June 26, 1972

EXHIBITS AND AFFIDAVITS

KELLEY, LIVINGSTON, ZAVALA, NEUMARK, LOWENSTEIN & MATTISON, *Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT

FOR THE EASTERN DIVISION OF CALIFORNIA

Civil Action No. ———

BILLIE SHAW; JOSEPH SHAW, DONALD SHAW, ANNA MARIE SHAW, RICKEY SHAW, HOWARD SHAW, minor children through their mother and general guardian, BILLIE SHAW; ALTA RAE BATEMAN; LINDA HELLBERG, DENNIS HELLBERG, GLEN HELLBERG, CAROL HELLBERG, minor children through their mother and general guardian, ALTA RAE BATEMAN, individually and on behalf of a class of similarly situated persons, *Plaintiffs,*

vs.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT; CLIFFORD M. HARDIN, Secretary of the United States Department of Agriculture; ROY W. LENNARTSON, Administrator, Consumer Food and Marketing Service, United States Department of Agriculture; CHARLES M. ERNST, Director, Western District, United States Department of Agriculture; GEORGE RANDALL, Director, Food Program Services, Western District, United States Department of Agriculture, *Defendants.*

SEPTEMBER 3, 1969.

To: Dr. Bert Corona.
From: Harley Pulliam.
Subject: Information requested for CRLA.

1. Copy of Balance Sheet for 1968–1969.

Auditors have not completed their audit. Copy of the balance sheet will be available when they have completed their work.

2. Total number of lunches served in the Modesto School District (High Schools and Elementary) 1968–1969.

418,261 [1] lunches served in the High School District (10 K–6 Mobiles included).

670,646 [1] lunches served in the Elementary District (K–8).

26,422 Snack and Lunches served in Pre-School Centers.

3. Enrollment in the Districts during 1968–1969.

7,191 High School Enrollment.

12,895 Elementary District (K–8).

Note: 268 students enrolled at Pioneer High included in High School Enrollment. 1,420 kindergarten students included in Elementary enrollment.

4. Total amount of money and commodities received under the National School Lunch Act and under the Milk Act.

The Modesto City Schools District received $135,635.61 (Fair Market Value) worth of Section 6 and Section 32 Commodities during the 1968–1969 School Year.

The Modesto City Schools District received $81,648.07 in subsidies under the School Lunch Act and the Special Milk Program. The districts received $20,613.15, in Special Assistance Funds from the State Department of Education during the same period.

5. Total amount of money that the School Board expended on free lunches in 1968–1969.

$4,245.55 High School District.

6,795.80 Elementary District.

California State Department of Education — Agreement No. 989

SCHOOL LUNCH PROGRAM APPLICATION-AGREEMENT

(Send original and one copy to California State Department of Education, Food Service Office, 721 Capitol Mall, Sacramento, California 95814)

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[1] Includes all lunches free and paid during the school year.

I. APPLICATION

1. Name of sponsor Modesto City Schools—Cafeteries. Mailing address 426 Locust Street, Modesto, Stanislaus, California 95351.

2. Number of schools to serve lunches when program begins 26.

3. Estimated average daily attendance 18,000.

4. Will a la carte service be provided in addition to Type A lunch? (Yes). (If the answer to this question is "yes," please read paragraph 5(p) of the Agreement.)

5. Estimated total number of Type A lunches to be served *daily* to children (include those to be served at no charge and at less than regular charge). 5,700.

6. Estimated number of Type A lunches to be served *daily* to children at no charge and at less than the regular charge indicated in Item 7 165.

7. What charge per lunch will be made to paying children? .30–.35–.40.

8. Probable day program will begin Sept. 11, 1967, close June 14, 1968.

9. Estimated number of *days* lunches will be served this school year (Do not include vacations and holidays) 179.

10. (a) Total income from all sources for any food service program last year. $

(b) Total cash expenditures for operating program last year (Include expenditures for food, labor, equipment, utilities, etc.). $

11. Amount of funds now on hand for the operation of the program. $

12. Estimated purchase cost of food now on hand. $

II. AGREEMENT

1. In order to carry out the purposes of the National School Lunch Act, as amended (42 U.S.C. 1751–1760), and the terms and conditions of an agreement made between the United States Department of Agriculture and the California State Department of Education, this agreement is made and entered into July 1, 1967, by and between the California State Department of Education, hereinafter referred to as the "State Agency," and Modesto City Schools-Cafeterias whose address is 426 Locust Street, City Modesto, County Stanislaus, California, hereinafter referred to as the "sponsor."

2. Definitions:

(a) *Act.* The National School Lunch Act, as amended.

(b) *Cost of obtaining food.* The cost of obtaining agricultural commodities and other foods for consumption by children during any fiscal year. Such costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the School Lunch Program.

(c) *Department.* The United States Department of Agriculture.

(d) *Fiscal year.* A period of 12 calendar months beginning with July 1 of a calendar year and ending with June 30 of the following calendar year.

(e) *Fluid whole milk.* Unflavored milk which meets state and local butterfat and sanitation standards for fluid whole milk.

(f) *Nonprofit lunch program.* Food service maintained by the sponsor for the benefit of the children, all the income from which is used solely for the operation or improvement of such food service. This requirement excludes from praticipation those schools in which the food or milk service is operated under a fee, concession, or contract arrangement with an individual, firm, group, or organization.

(g) *Nonprofit private school.* A nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(h) *Program.* The National School Lunch Program conducted under the National School Lunch Act.

(i) *School.* A public or nonprofit private school of high school grade or under.

3. *Reimbursement payments.* (a) The State Agency will reimburse the sponsor for lunches meeting the requirements of Section 7 of this agreement. The maximum rate of reimbursement shall be 9 cents for a Type A lunch, except that not to exceed 7 cents may be paid if the Type A lunch does not include milk; (b) the State Agency shall assign rates of reimbursement within the maximum rates. Assigned rates may be changed by the State Agency, and notice of any change shall be given to the sponsor; (c) the sponsor shall be reimbursed on the basis of the number of lunches served to children times the assigned rate, *provided, however,* that the total reimbursement to the sponsor during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of lunches served to children during the fiscal year times the maximum rate, or (2) the cost of obtaining food.

4. ***Program material.*** Such material pertaining to the program as monthly information on foods available in plentiful supply, based on information provided by the Department, will be distributed by the State Agency to the sponsor.

5. *Supervision.* The sponsor being the authority having supervision and control over the program, agrees that it will:

(a) Operate a nonprofit lunch program and observe the limitations on the use of program income set forth in Section 6 of this agreement.

(b) Limit is operating balance to a level consistent with program needs.

(c) Serve lunches which meet the minimum requirements prescribed in Section 7 of this agreement during a period designated as the lunch period by the sponsor.

(d) Price the Type A lunch as a unit.

(e) Supply lunches without cost or at a reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof.

(f) Make no discrimination against any child because of his inability to pay the full price of the lunch.

(g) Claim reimbursement only for lunches meeting the requirements of Section 7 of this agreement.

(h) Submit claims for reimbursement in accordance with procedures established by the State Agency.

(i) Maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable state and local laws and regulations.

(j) Purchase, in as large quantities as may be efficiently utilized in its lunch program, foods designated as plentiful by the State Agency.

(k) Accept and use, in as large quantities as may be efficiently utilized in its lunch program, such foods as may be offered as a donation by the Department.

(l) Maintain necessary facilities for storing, preparing, and serving food.

(m) Assure the State Agency that, in the operation of the National School Lunch Program (program) in its school(s), it is in compliance and will comply with all requirements imposed by or pursuant to part 15 of Title 7, CRF, of the regulations of the Department of Agriculture (29 F.R. 16274) to the end that no person in the school(s) shall, because of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program. This assurance shall obligate the sponsor for the period during which federal financial assistance is extended to it by the State Agency pursuant to the program. This assurance is given in consideration of and for the purpose of obtaining federal financial assistance under the program after the date this amendment is signed by the sponsor. The sponsor recognizes and agrees that such federal assistance will be extended in reliance on the representations and agreements made in this assurance and that either the State Department of Education or the United States, or both, shall have the right to seek judicial enforcement of this assurance.

(n) Maintain full and accurate records of its lunch program, including records with respect to the following:

(1) *Lunch service*
  a. Daily number of lunches served to children, by type of lunch
  b. Daily number of lunches served free or at reduced price to children, by type of lunch
  c. Daily number of lunches served to adults
(2) *Program income*
  a. From children's payments
  b. From all other sources
  c. From federal reimbursement under the program
  d. From federal reimbursement under the Special Milk Program
(3) *Program expenditures* (supported by invoices, receipts, or other evidence of expenditure)
  a. For food
  b. For labor
  c. Replacement of equipment
  d. All other expenditures
(4) *Payments from General Fund and other sources and donations*
  a. Utilities
  b. Labor
  c. Equipment
  d. All other
  e. Donated food, other than food donated by the Department

(5) *Program management*
  a. Menu planning worksheets for Type A lunches
  b. Monthly inventory records

Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain.

(o) Upon request, make all accounts and records pertaining to its lunch program available to the State Agency and to the Department for audit or administrative review at a reasonable time and place. Interpretations of the Department regarding audit or administrative review findings shall be considered final insofar as they relate to reimbursement claimed by the sponsor.

(p) Maintain adequate records of á la carte service, if provided, in order to permit a nutritional evaluation of Type A lunches by the State Agency and to vertify the fact that Section 6 commodities are not used in such á la carte service. These records shall be in addition to those listed in paragraph (n) of this section.

6. Use of funds. (a) Federal funds available as cash-for-food assistance shall be used only to reimburse the sponsor in connection with lunches served in accordance with the provisions of this agreement during the fiscal year for which such funds are appropriated.

(b) Income accruing to the lunch program of any sponsor shall be used only for program purposes; *Provided, however,* that such income shall not be used to purchase land, to acquire or construct buildings, or to make alterations of existing buildings; *and provided further* that only funds from sources other than federal or children's payments for lunches shall be used to finance out-of-state travel of school lunch personnel, the original purchase of equipment, or replacement of automotive equipment.

7. Requirements for lunches. Except as otherwise provided in this section, a Type A lunch shall contain as a minimum:

(a) One-half pint of fluid, whole, unflavored milk as a beverage.

(b) Two ounces (edible portion as served) of lean meat, poultry, or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above-listed foods. To be counted in meeting this requirement, these foods must be served in a main dish or in a main dish and one other menu item.

(c) A three-fourth cup serving consisting of two or more vegetables or fruits, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(d) One slice of whole grain or enriched bread; or a serving of corn bread, biscuits, rolls, muffins, etc., made of whole grain or enriched meal or flour.

(e) Two teaspoons of butter or fortified margarine.

If a sufficient supply of fluid whole milk cannot be obtained, the requirement specified in 7(a) shall be met by serving the fluid whole milk equivalent in reconstituted evaporated or dry whole milk, unless prior written approval has been obtained from the State Agency to serve lunches without milk. If emergency conditions prevent a school approved for the service of Type A lunches from temporarily obtaining a sufficient supply of fluid whole milk, the State Agency may approve reimbursement for lunches served without milk during the emergency period.

8. Termination. This agreement shall become effective as of the date named in paragraph 1, and shall remain in effect until terminated or cancelled. This agreement may be terminated upon ten (10) days' written notice on the part of either party, *provided, however,* that the State Agency may cancel this agreement immediately upon receipt of evidence that the terms and conditions of this agreement have not been fully complied with by the sponsor.

9. Amendment. The terms of this agreement shall not be modified or changed in any way other than by the consent in writing of both parties.

10. Modesto City Schools—Cafeterias.

Richard B. Eaton,
Assistant Superintendent, Business Services.
State Department of Education,
Wm. Hemphill, *Supervisor, Food Services.*

July 1, 1967.

To Be Completed by Private Schools Only

If the sponsor is a private nonprofit agency (mothers' club, civic group, or the like), the following declaration of authority must be completed:

The sponsor named in Item 1 is hereby authorized to control and operate the program and to enter into an agreement with the State Agency in connection with the operation of the program.

SCHOOL LUNCH PROGRAM AGREEMENT AMENDMENT NO. 2

The School Lunch Program Agreement made and entered into by and between Modesto City Schools and the California State Department of Education is hereby amended as follows (italic indicates changes):

5. Supervision.

(e) Supply lunches without cost or at reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof, *and have on file written policies and procedures for this purpose and publicly announce to the patrons of the attendance units and place into effect the policy on eligibility for free and reduced-price meals. As a minimum these policies and procedures shall:*

(i) *Include a clear indication of those officials delegated authority or designated to determine which individual pupils are eligible for free or reduced-price meals under the established policy criteria.*

(ii) *Include criteria which will give consideration to economic need as reflected by family income, including welfare payments, family size, and number of children in the family.*

(iii) *Outline the procedural steps to be followed by designated officials in making the individual determinations and in providing the free or reduced-price meals in a manner to avoid overt identification to their peers of pupils receiving such meals.*

(iv) *Provide that the names of pupils determined to be eligible for free or reduced-price meals will not be published, posted, or announced in any manner to other children and that such pupils will not be required, AS A CONDITION OF RECEIVING SUCH MEALS, to: use a separate lunchroom; go through a separate serving line; enter the lunchroom through a separate entrance; eat lunch at a different time from paying pupils; work for their meals; use a different medium of exchange in the lunchroom than used by paying pupils; or eat a different meal than paying pupils.*

(v) *Include a provision for appeal from decisions in individual cases.*

(vi) *Provide for a system of collecting payments from paying pupils and accounting for free or reduced-price meals in a manner which will protect the anonymity of the pupils receiving free or reduced price meals in the lunchroom, classroom, or other environ of the attendance unit.*

For the sponsor:

MODESTO CITY SCHOOL DISTRICT,
RICHARD KEATH,
Assistant Superintendent, Business Services.

January 23, 1969.

STATE DEPARTMENT OF EDUCATION,
JAMES M. HEMPHILL,
Supervisor, Food Services.

November 15, 1968.

WELFARE DEPARTMENT,
Modesto, Calif., July 29, 1969.

DR. BERT CORONA,
Superintendent, Modesto City Schools,
Modesto, Calif.

DEAR DR. CORONA: Under the former lunch program there was considered to be an unmet need for the total grant plus (net) income that did not meet the budget need. We estimated 50% of our caseload fell into this definition.

In the discussions preliminary to the staff recommendations being made to the school board, we advised that welfare policies have been revised and now allows certain income exemptions in determining the amount of grant to be allowed and was determined that on a future basis the income exemptions allowed under welfare policies would not be used in determining eligibility for school lunches; the schools would take into account the total income from all sources in determining eligibility for school lunches. This was the basis of the welfare department estimate that 30% of the caseload would come under this definition and it was also determined that unmet housing allowance would not be considered as qualifying if the welfare standard was used.

In discussing the possible use of the OEO standard, it was felt there would be differences in individual cases but little difference overall.

Using the 30% estimate, the schools determined there were 2080 AFDC children in the K–8 schools and 833 enrolled in grades 9–12, and that approximately 600 to 900 students would potentially qualify for the program.

However, the Modesto Board of Education was understandably concerned about financing this size program and proposed a program providing approximately 400 lunches per day and advised staff to the criteria to this level of financing.

It is also acknowledged that the welfare department estimates were challenged by some of the testimony in the hearing, which made further study desirable.

Since the proposed program will provide lunches for 400 children, this is 13.7% of the 1968–69 enrollment of AFDC children. Assuming an improved identification of the children eligible, it becomes obvious there will need to be a cut below the present standards which were estimated at 50% of the children being eligible on an unmet basis using the welfare standards and 30% being eligible on an unmet need basis if total gross income from all sources is applied to the welfare need standard.

As a result, we have conducted a further review in order to recheck our estimates and secure some basis for estimating participation with different income/need measures.

We started with a listing of cases representing a 10% sample of the caseload. Our fiscal division checked the total grants paid for May and for January. This established that 45.2% of the children in the May and 48.4% of the children in January were living in families that received the maximum grant. This compared with the department's estimate of 50% given previously.

From this listing (10% sample) every 5th case was chosen for review. This resulted in a 2% study sample consisting of 63 AFDC–FG cases and 20 AFDC–U cases. This established that in 3 of the 20 AFDC–U cases active in May and 8 of the 15 cases active in January, the grant plus the exempt and non-exempt income was not equal to need. In the FG caseload 19 of the 63 cases active in May (30.2%) and 14 of the 48 cases active in January (29.2%) received a grant plus exempt and non-exempt income which was not equal to needs. The department's previous estimates of 30% were again validated by the sample.

However, when the raw data of total income plus grant of these 63 families was related to the proposed OEO scale it was found that 5 of the 26 active cases and 38 of the 63 AFDC–FG cases would have qualified in May (58% overall) and 4 of 15 AFDC–U and 32 of 49 AFDC–FG would have qualified in January (63% overall).

The reason for the major difference between the percentage of cases with unmet need on the welfare scale (applying total income against total budget) and the much higher percentage of cases potentially eligible under the OEO scale is apparently accounted for by the fact that the latter figure picks out not only all of the former cases but also all of the additional cases with incomes which fall between the welfare need standard and 'the OEO scale. Apparently the incomes are so marginal that even a few dollars difference in the standards will encompass a large number of families. The fact that an average rather than the weighted average was used in computing the welfare cost schedule may also have skewed the comparison.

In any event, the assumption that the differences between the OEO scale and the welfare scale would have little effect overall was disproved by the data.

The reason for the difference between May and January seems to be related to the fact that: (1) In January we were using a cost schedule which was approximately $2 per person lower than the present schedule and (2) there is more bona fide income available in May than in January.

We would not recommend returning to the unmet need welfare standard. This would not appear to keep the program within its fiscal limitations. Under welfare, policies are applied to that scale; it would be difficult to justify using some of welfare's measures for a standard but not using all of them. This would raise problems about the application of our income exemptions, the application of the policies regarding income of children, and the fact that our WIN payments (counted as income) represent a combination of training expenses and incentive payments but neither is included in the welfare budget.

Summary:

The OEO scale would potentially qualify 55.3% of the AFDC families.

The welfare standard supplying welfare exemptions would potentially qualify 48.4% of the AFDC families.

The welfare standard disregarding the income exemptions would potentially qualify 10.2% of the AFDC–FG families and 15% of the AFDC–U (26.5 overall).

A standard using 80% of the OEO scale would potentially qualify 25% of the AFDC–FG and 10% of the AFDC–U families (21.3% overall).

Conclusion:

With an improved identification system and assuming 100% participation, one of the standards would keep the program within its fiscal limitations.

Several alternatives which might be considered are:

(1) Use the OEO scale but as a fiscal control establishing the eligibility standard for 1969–70 at some percentage of the scale.

(2) Use the OEO scale as a basis for accepting applications but announce and give priority to those with incomes below a given acceptance of the scale. This would be somewhat complex to interpret and to administer.

(3) Use the OEO scale for accepting applications but announce and give priority to those cases with the largest unmet need (each), take first those cases with $5, $8, $10 of unmet need per family member. This would also be administratively complex.

(4) Within the welfare caseload the cases of greatest need are those with an unmet need whose only source of income is the welfare grant. Policies could be developed to serve these cases as a target group to the welfare caseload. This would still include about 25% of the welfare families but it could be further reduced by establishing the qualifying unmet need at some dollar level related to the value of the free cost meals. Many of the unmet need cases have grants within $3 to $5 of the welfare need standard. The policy would be relatively simple to administer.

This leaves the question of the policies to be applied to poor welfare families. Equity would suggest using the Welfare Maximum Participation Base as the scale for all families, but this bears no relationship to need. It also ignores the problem of some welfare families having an outside income but their unmet needs could be greater than some of those with no outside income.

(5) Develop some different criteria.

Other recommendations:

(1) Since the program will be geared to serving the most needy children, policies and communications should be structured to disqualify:

(a) families whose total needs on the welfare standard are met by the welfare grant plus the exempt and non-exempt income regardless of what scale is used.

(b) children who receive AFDC as the only aided person in the family:

1. Children living with non-needy relatives.
2. Children living with a parent or relative receiving another type of aid (OAS, Blind, ATD).
3. Children in foster care.

(2) It is also recommended that either the application for a separate welfare clearance form provide for a signed authorization for release of information from the welfare department.

(3) There is a high turnover in the welfare caseload and considerable variations in income. School policies concerning the kind of certification perhaps needs to be reconsidered in this light, and in light of the present fiscal limitations of the program.

The basic problem seems to be that with an improved identification system and publicizing of the program, the schools will not have sufficient funds to finance even the program which was in effect last year.

We can try to be helpful and want to be if we can, but this is the school's problem to decide and there appears to be no best solution.

I will be out of the office from 8–1–69 until 8–15–69. If anyone needs to meet with us on a policy basic contact the deputy, Ben Keller.

Very truly yours,

DON C. QUISENBERRY, *Director*.

EXHIBIT A

Number in family	OEO scale	90 percent	85 percent	20 percent
1	133	120	113	106
2	175	158	149	140
3	216	194	184	173
4	275	248	234	220
5	328	293	276	260
6	366	329	311	293
7	408	367	347	326
8	450	405	383	360
9	491	442	427	393
10	533	480	453	426
11	575	518	489	460
12	616	554	524	493
13	658	593	559	526

EXHIBIT B—AFDC CASELOAD MOVEMENT, 1968-69

	AFDC-FG	AFDC-U
June 30, 1968, caseload	2,494	536
Discontinued cases	−1,752	1,134
Restorations of aid	535	455
New cases added	1,932	51
June 30, 1969, caseload	3,209	28

STANISLAUS COUNTY DEPARTMENT OF EDUCATION,
Modesto, Calif., May 2, 1969.

A F D C DISTRIBUTION FOR TITLE I PURPOSES—STANISLAUS COUNTY, MAY 2, 1969

District	February 1969	November 1967	Increase	Decrease	Percent increase or decrease
Ceres Unified	899	792	107		+13.5
Chatom Union Elementary	65	72		7	−9.7
Denair Unified	52	52	0	0	0
Empire Union Elementary	114	105	9		+8.6
Gratton Elementary	3	8		5	−62.5
Hart Ransom Union Elementary	15	19		4	−21.1
Hickman Elementary	23	16	7		+43.8
Hughson Union Elementary	139	122	17		+13.9
Hughson Union High	48	55		7	−12.7
Keyes Union Elementary	213	169	44		+26.0
Knights Ferry Elementary	0	0	0	0	0
LaGrange Elementary	3	0	3		
Modesto City Elementary	2,104	2,143		39	−1.8
Modesto City High School	837	616	221		+35.9
Oakdale Union Elementary	155	169		14	−8.3
Oakdale Joint Union High	179	149	30		+20.1
Paradise Elementary	9	6	3		+50.0
Patterson Unified	562	430	132		+30.7
Riverbank Elementary	217	271		54	−19.9
Roberts Ferry Union Elementary	0	0	0	0	0
Salida Union Elementary	101	95	6		+6.3
Shiloh Elementary	3	10		7	−70.0
Stanislaus Union Elementary	129	81	48		+59.3
Sylvan Union Elementary	89	56	33		+58.9
Turlock Joint Elementary	394	403		9	−2.2
Turlock Joint Union High	158	154	4		+2.6
Valley Home Joint Elementary	3	0	3		
Waterford Elementary	126	107	19		+17.8
Total	6,640	6,100	686	146	
Net gain			540		+8.9

MAY 22, 1969.

Memo to: Mr. H. P. Eaton.
From: Harley Pulliam.
Subject: Reply to questions asked at the May 19, 1969 board meeting, re: various aspects of cafeteria department operations.

Question #1: How many free lunches are given at this time by the Modesto City Schools?

Answer: Through April 30, 1969, (147 days of school) there were 25,533 free lunches served to students in both districts. The recap is as follows:

20,105 free lunches Elementary District
1,415 free lunches Davis High
630 free lunches Downey High
3,383 free lunches Modesto High

Of the 5,428 free lunches served in the High School District 3,383 or 62.3% were served at Modesto High School. Of all free lunches served to needy students, both districts, 13.2% were served at Modesto High School.

Question #2: Amount of Federal funds distributed toward free lunch program?

Answer: Beginning February 24, 1969, the Modesto City School District was granted $21,824 in Special Assistance Funds from the State Department of Education. The district applied for these funds, as the original grants were allotted to various counties designated as the most needy counties. These funds, in the amount of $21,824, are being used by the combined districts to reduce the lunch price charged to students in the target area schools. Presently there are ten target area schools including Modesto High. In these ten schools the lunch price to all students, commencing on February 24, 1969, was reduced by 10¢. Based on participation at Modesto High, approximately $3,500 of Special Assistance Funds were allotted to Modesto High. This amount was available for the 74 day period commencing February 24, 1969 for the remainder of the Spring Semester. In actuality, through April 30, 1969, Modesto High has used approximately $2,000 in Special Assistance funds in 43 days. It is anticipated that Modesto High will use approximately 15% of the total Special Assistance Grant.

Question #3: Amount of free food to feed the poor.

#4: How is surplus food distributed—is it for everybody or should it be for a free lunch for needy students.

Answer: These last two questions seem to be related and will be answered as such. The National School Lunch Program is operated to allow school districts to operate lunch programs as economically as possible. Through the availability of various commodities and actual cash reimbursements the price of lunches to all students is reduced by 10¢ to 15¢ per pupil. The commodities obtained from the State Surplus Office are distributed to the various school districts in ratio to the number of students participating in the lunch program. While the function of the School Lunch Program is not oriented to the dispersal of "free food" to needy students, the special programs, ESEA, Preschool, operated by the State and Federal Governments directly meet the needs of the needy student. In addition to this the district operates a most comprehensive "free lunch" program available to all children who would go without an adequate lunch. (see attached)

Regarding the question of "free food we receive to feed the poor", or any other students, the district is billed an amount sufficient to handle the cost of distributing and warehousing the various commodities. We are obligated to provide proper cold and dry storage of these items which entails some expense to the district. For example we pay the Merchants Refrigeration Service approximately $100 a month for the storage of surplus commodities requiring deep freeze storage.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

I, VERNA HINTON, being first duly sworn, depose and say:

I am Coordinator of the Emergency Food and Medical Department of the Community Action Commission, Stanislaus County. I have been employed in that capacity since December 23, 1968.

The program I manage is established by the Federal Government to provide food to families that are unable to adequately feed themselves within their income. We provide food to an average of 500 families per month.

The majority of the families we serve are welfare recipients primarily under Aid to Families with Dependent Children (AFDC). Because of the limited facilities available to our program, we investigate each applicant carefully to determine whether there is any way the family can feed itself within its income. In spite of this careful investigation, we have never found a single AFDC family that had the means to adequately feed itself. Every AFDC family that has applied for our services has been eligible and many have been referred to us by the welfare department itself.

Many of the families that we serve will be denied free school lunches under the standards adopted by the Modesto School Board. Based on my experience in providing food to the hungry poor in Modesto, these families cannot possibly afford to purchase hot school lunches, and have no way to make up for the loss of nourishment the children will suffer from not having a nutritious lunch.

VERA HINTON.

Subscribed and sworn to before me this 7th day of September, 1969.

RITA ESCARCEGA,
Notary Public in and for said County and State.

My Commission Expires January 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

I, MARY ALICE McCURRY, being first duly sworn, depose and say:

I am a Social Worker II with the Stanislaus County Welfare Department and have been so employed for the past eleven months. As such, I am thoroughly familiar with Aid to Families with Dependent Children Program. (AFDC).

I have examined the eligibility standards for free school lunches adopted by the Modesto School Board on August 25, 1969, and have compared these standards with the AFDC grants made by our department. Under the standards of the School Board, any AFDC family consisting of one parent and one, three, four, five or six children will automatically be denied free lunches, whereas families with two children, seven or more children, or two parents, will be considered.

In my experience as a social worker, there is no difference in ability to afford school lunches between the families that are automatically excluded and the families that will be considered. In my opinion, AFDC families in the excluded categories are unable to afford hot school lunches, and should be declared eligible for free lunches.

MARY ALICE McCURRY.

Subscribed and sworn to before me this 7th day of September, 1969.

RITA ESCARCEGA,
Notary Public in and for said County and State.

My Commission Expires January 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA, *County of Stanislaus, ss:*

I, LOUISE RICHISON, being first duly sworn, depose and say:

I am the mother of three children. During the 1968–1969 school year my daughter Mary Ann attended school in Modesto. She will be enrolled in the Modesto School system during 1969–1970.

Because my husband is disabled, my family is totally dependent on a welfare grant. My annual income is $1068 below the amount which the federal government says I need to support my family.

In December, 1968, I learned about the free program and made an application for my daughter Mary Ann. The application was denied.

My daughter had to miss many days of school because my limited welfare grant did not give me enough money to buy food to make her a sandwich. On those days I would keep her home so that I would give her beans and potatoes.

My daughter was told by an official from the superintendents office that if she missed any more days of school, they would take her away from her mother. On the day she was told this she came home in tears. I was greatly upset because my daughter has had open-heart surgery and I was told by one doctor that she should not get excited.

In April or May, 1969, the principal of Mary Ann's school told her that he would give her a free lunch if she would work in the cafeteria. Mary Ann accepted so she wouldn't have to miss any more school. She worked in the cafeteria through the end of the school year, even though she was severely teased by her classmates.

I hope that next year Mary Ann will not have to work in the cafeteria in order to receive a free lunch.

LOUISE RICHISON.

Subscribed and sworn to before me this 7th day of September, 1969.

RITA ESCARCEGA,
Notary Public in and for said County and State.

My Commission Expires January 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

I, MANUELA WESTERVELT, being first duly sworn, depose and say that:

I live in Modesto with my eleven children, ten of whom attend the Modesto city schools.

The only support for my family is a monthly welfare check of $399. The Welfare Department says I need $626.10 per month to adequately support my family, and I know that under my present income it is impossible to give my children the food and clothing they need.

Last year I had eleven children in the Modesto schools. Two of them went to the Mark Twain school, and the principal let them have free lunches. But when I went to see the principal of the Franklin school, where my other nine children went, he told me they could not have lunches because I had too many children. He did not explain this, and he still refused to give my children lunches even after my social worker and I explained to him how my welfare check is too small to feed my family.

I hope my children will get free hot lunches next year, because that is the only way they can get the nourishment they need to be healthy and to do well in school.

MANUELA WESTERVELT.

Subscribed and sworn before me this 7th day of September 1969.

RITA ESCARCEGA,
Notary Public in and for said County and State.

My Commission Expires January 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

We, DEANNA KAY LENZ, and SHELLEY ANNE GOODMAN, being first duly sworn, depose and say:

On Thursday, September 4, 1969 and on Sunday, September 8, 1969, we canvassed poverty areas of Modesto to assist parents in applying for school lunches.

Even though almost none of the parents were able to buy hot school lunches for their children, we found that most parents had either never heard about the school lunch program, or if they had, they did not understand how the program operated, or how they could apply. However, when we informed them about the nature of the program and the application procedures, about 90% of the parents completed an application for the school lunch program.

Most parents believed that their children should receive a free lunch because they were on welfare and were unable to provide their children with enough money to purchase a hot lunch.

One mother of three school age children stated that the last year she did not send her children to school for two or three weeks because she could not afford to buy them hot lunches. She stated that her children could not learn unless they received hot lunches.

DEANNA KAY LENZ,
SHELLEY ANNE GOODMAN.

Subscribed and sworn before me this 7th day of September 1969.

RITA ESCARCEGA.
Notary Public in and for said County and State.

My Commission Expires January 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA
County of Stanislaus, ss:

I, SHIRLEY HICKOX, being first duly sworn, depose and say:

I am a legal secretary employed by California Rural Legal Assistance.

On or about August 26, 1969, I visited the office of the Board of Education of the Modesto School District and spoke with Dr. Bert C. Corona and his secretary. I submitted to them a list of questions, as follows:

1. Provide a copy of the cafeteria balance sheet for 1968–1969.
2. State the total number of lunches served in the Modesto School District 1968–1969.
3. State the enrollment in the Districts during 1968–1969.
4. State the total amount of money and commodities received under the National School and under the Milk Act.
5. State the total amount of money that the School Board expended on free lunches in 1968–1969.

The following week, a copy of the attached memorandum from Harley Pulliam to Dr. Bert Corona was received in the mail at the office of California Rural Legal Assistance.

SHIRLEY HICKOX.

Subscribed and sworn to before me this 7th day of September, 1969.

RITA ESCARCEGA,
Notary Public in and for said County and State.

My Commission Expires January 2, 1971.

SUPPLEMENTAL EXHIBITS

Kelley, Livingston, Zavala, Neumark, Lowenstein & Mattison, Attorneys at Law, 405 "H" Street, Modesto, Calif., *Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Civil Action No. S–1336

BILLIE SHAW, ET. AL., PLAINTIFFS,

v.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET. AL., DEFENDANTS.

SUPPLEMENTAL EXHIBITS AND AFFIDAVITS

CONGRESSIONAL TESTIMONY OF ORVILLE L. FREEMAN:

Generally speaking, there has been a refusal by the States and localities to comply with the law which says very clearly that the poor kid should get a free lunch. The law also says that who are poor kids will be determined by the local authorities. So, they make their determination and they say that this is a relative term. If we take limited funds and give a lunch free to the poorest kid, we will have to take it away from the other kids and therefore we are just going to spread it and make it available to everyone equally. Very frankly, we have not been able to do anything about it. We have been cajoling and working and urging, trying to get them to live up to the law.

Hearing before Committee on Education and Labor, House of Representatives, 90th Cong., 2nd Session on H.R. 17144, H.R. 17145, H.R. 17146, H.R. 17872, H.R. 17873 and Various Bills to Establish a Commission on Hunger, Testimony of Orville L. Freeman, May 22, 1968, p. 173.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

AFFIDAVIT OF RODNEY E. LEONARD

Rodney E. Leonard, being first duly sworn, upon oath, deposes and states:

1. My Name is RODNEY E. LEONARD. I am a consultant on agricultural matters specializing in marketing and food assistance programs. I was Administrator of the Consumer and Marketing Service (C & MS) in the United States Department of Agriculture (USDA) from December, 1967 through January, 1969.

Prior to that, I was Deputy Assistant Secretary for C & MS and a staff assistant to the Secretary of Agriculture from the time I joined USDA in January, 1961. In my capacity as Administrator, I was directly in charge of the operation of all of USDA's food assistance programs, and, in particular, of the National School Lunch program.

2. One of the recurrent problems which arose during the period in which I had responsibility for the National School Lunch program was how to provide meals to children whose parents could not afford the regular price charged by the school. The Federal government, until the latter part of this decade, did not provide enough support to the school lunch program to allow free meals to be readily available nor have the States shown an awareness of their responsibilities in this situation. Recognizing these conditions, we often indicated to State and school district officials in charge of the school lunch program that the lunch price should be set at levels which most children could afford and which would produce enough revenue to allow more free lunches to be served. In other words, we, as administrators of the program, suggested that the school ask the affluent parents to help the child of the poor parents obtain better nutrition by subsidizing their lunches.

3. In my capacity as Administrator I also made clear to the State and local school lunch directors and supervisors on numerous occasions that C & MS had no concern about the manner in which they deployed the general cash assistance they received under Section 4 of the National School Lunch Act, *i.e.*, whether they gave it across-the-board to all schools at a constant rate, normally 4¢ per meal or distributed it unequally in favor of schools located in poor economic areas, for example, 6¢ a meal to them and 2¢ to the others, so long as the overall reimbursement rate in no event exceeded the cost of food served.

RODNEY E. LEONARD.

Subscribed and sworn to before me this 20th day of Sept., 1969.

ROBERT S. BOND,
Notary Public.

My Commission Expires: July 1, 1970.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

I, DONALD C. QUISENBERRY, being first duly sworn depose and say:

I am the Director of the Stanislaus County Welfare Department and have served in that capacity since 1962.

Beginning October 28, 1966, and through the end of the 1968–1969 school year, the Stanislaus County Welfare Department provided budgetary information to the Modesto City Schools and high schools on families who had applied for free school lunches. During that period, the eligibility standards upon which we based our recommendations were set forth in a memorandum to our staff from Hannah McCabe. A copy of the memorandum is attached to this affidavit and is hereby incorporated by reference.

If requested by the Modesto School Board, the Stanislaus County Welfare Department would regularly provide the school administration with a list of students who are from families receiving welfare assistance. In addition, the Department would, if requested, provide a list of students from families with unmet needs, as set forth in the McCabe memorandum. In providing such a list, the Welfare Department would protect the confidentiality of each family by offering it the option of not having its name included. Nevertheless, experience indicates that probably few families would choose not to participate. The preparation of such a list could be incorporated into the normal work routine of the department.

DONALD C. QUISENBERRY.

Subscribed and sworn to before me this 16th day of September, 1969.
Notary Public in and for the County of Stanislaus, State of California.

RITA ESCAREGA.

My Commission Expires: Jan. 2, 1971.

Memo to: AFDC Staff.
From: Hannah McCabe.
Subject: Referrals of recipients for school lunches (free or reduced rate) refer to CL 1860.
Date: October 28, 1966.

Written guidelines developed by the schools to determine eligibility for free lunches will be made available to the staff as soon as they are received from the various schools.

Referrals for the school lunch program will be encouraged.

(1) In those cases in which the income and grant do not meet the budgetary need.

(2) In cases of temporary emergency in the home.

(3) In cases in which the rental cost exceeds the allowance in the cost schedule and suitable housing is not available to the family within the ceiling.

(4) In cases where other mandatory money obligations are being met by the grant but are not included in the grant. This does not include situations where the grant is used for non-essentials.

Method: Refer client to the principal of the school. Use Stan. 124. The school will make the determination as to granting the request for free (or reduced price) lunches.

Partial transcript of July 21, 1969, meeting of the Governing Board of the Modesto City School District and High School District:

Mr. SMART. Well, on that basis, I'll move that the Board of Education approve the criteria as set forth in the agenda, for continuation of the free lunch program and commit an average of 400 lunches a day for the next school year.

CHAIRMAN. * * * It has been moved by Mr. Smart and seconded by Mrs. Noles that the Board of Education approve the criteria as presented tonight as guidelines and as they have been set forth in the agenda and that we continue the free lunch program to an average of 400 lunches a day.

CHAIRMAN. * * * Is there any further discussion? (pause). All those in favor. Opposed. So carried * * *.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

We, Joseph L. Johnson and Philip Young, being first duly sworn, depose and say:

On September 10, 1969, at 10:45 a.m. we brought school lunch applications for 333 children to the Modesto School District's Superintendent's office, located at 426 Locust Avenue, Modesto, California.

We presented these applications to an official in the Superintendent's office. This official failed to inform us of his name. This official refused to receive these applications—he even refused to look at them.

We stated to this official that we were from the Stanislaus County Tenants' Rights Association, and that we, as citizens, along with other concerned citizens, had secured these applications and were authorized by the applicants to submit these applications to the Superintendent's office.

This official then stated that since there was a Federal Court injunction "advising" the School Board to proceed with the same guidelines that the School Board employed last year that we could not act as an agent for the parents and that the parents would have to submit the applications themselves. In addition, he stated that under last years guidelines applications could not be submitted by a representative of a group.

JOSEPH L. JOHNSON,
PHILIP YOUNG.

Subscribed and sworn to before me this 10th of September, 1969.

RITA ESCARCEGA,
Notary Public in and for said County and State.

My Commission Expires: Jan. 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

We, Dearl Andrews, Don Wilson, and Ben Parish, being first duly sworn, depose and say that:

We have worked with many low-income persons in the City of Modesto to secure a better free school lunch program for the needy children of Modesto. As part of this effort, we spoke before the Modesto Board of Education on numerous occasions during the past summer.

On September 10, 1969, we spoke to Dr. Bert C. Corona, Superintendent of the Modesto City Schools, in his office located at 426 Locust Avenue, Modesto, California.

We discussed with him the refusal of Mr. Clyde Hull of his staff to accept school lunch applications submitted on behalf of 333 children. We told Dr. Corona that these application forms were identical to those approved by the School Board for the 1969–1970 school year. He stated that these forms were unacceptable because of the Temporary Restraining order issued September 8, 1969. He said that because of the Court Order he could not accept applications made on the 1969–1970 form.

He indicated that although his office was now in possession of the application for these 333 Children, no free lunches would be provided on the basis of these applications. He then stated that every parent who had used a 1969–1970 application form would have to reapply on a 1968–1969 form before their children would be considered for participation in the free lunch program.

He said it was our fault—that he had to adopt this procedure because of the court order of September 8, 1969. We told him that the order of September 8 only applied to eligibility standards and not to procedures.

Dr. Corona also stated that because of this Temporary Restraining Order he could not provide any emergency lunches. (Subsequent to this conversation we have learned that Dr. Corona has reversed his position and is now authorizing emergency lunches.)

DEARL ANDREWS,
DON WILSON,
BEN PARISH.

Subscribed and sworn to before me this 21 day of September, 1969.

RITA ESCARCEGA,
Notary Public, in and for the County of Stanislaus, State of California.
My Commission Expires: Jan. 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

I, Dearl Andrews, being first duly sworn, depose and say that:

I am a community worker employed by California Rural Legal Assistance in Modesto, California.

On Friday, September 12, 1969, Philip Neumark and I spoke to Clyde Hull, Supervisor of Child Attendance and Welfare for the Modesto City Schools.

We showed Mr. Hull a school lunch application form prepared by Mr. Neumark and Daniel Lowenstein. This application form included all the information contained in the application form employed during the 1968–1969 school year. Copies of both applications are attached hereto and are incorporated by reference as if fully set forth.

Mr. Neumark and I asked him if the form prepared by us was acceptable for use during the present school year. After speaking to county counsel, A. J. Shaw, Jr., Mr. Hull stated that it was not only acceptable, but better than the 1968–1969 form.

We then asked Mr. Hull if completed application forms could be submitted by an agent of the applicant. At first he said no, but we explained that many parents could not go to the schools to fill out these applications because they have no transportation or no one to care for younger children or because their parents had to work during school hours. Mr. Hull then agreed to accept applications submitted by an agent.

On Thursday, September 18, 1969, Don Wilson, Ben Parish, and I brought some applications to the principal of the Shackleford School. He said he would not act on these applications until the parents came in. We told him that Clyde Hull had started that an agent could submit applications and asked him to contact Mr. Hull.

After speaking with Mr. Hull the principal stated that he would not accept these applications but would take the names of the applicants. He further stated that he definitely would not distribute any lunches on the basis of these applications because they did not have "Modesto City Schools" typed across the top of the application.

Shortly thereafter Ben Parish, Don Wilson and I want to see Mr. Cylde Hull. I told him that he was rejecting the same forms which he had approved a few days before. Mr. Hull stated that "personally I like these applications better but my boss (Dr. Corona) told me different."

DEARL ANDREWS.

Subscribed and sworn to before me this 21 day of September, 1969.

RITA ECSCARCEGA.

Notary Public in and for the County of Stanislaus, State of California.

My Commission Expires: Jan. 2, 1971.

MODESTO CITY SCHOOLS

RECORD OF FREE LUNCH/MILK INVESTIGATION

Date ______________

Students(s)	____________________	Grade(s)	____________	Age(s)	____________
	____________________		____________		____________
	____________________		____________		____________

Parents (first and last names) ______________________________
Address ______________________________
Number of children living at home ______________________________
Age range of children living at home ______________________________

Financial circumstances of family:
- **General:**
- **Income per month:**
- **Expenses per month:**
  - **Rent:**
  - **Utilities:**
  - **Automobile:**
  - **T.V.:**
  - **Other bills:**

Status with Welfare Department:
- **State Aid (A.N.C.)** ______________________________
- **County Aid** ______________________________
- **Aid Pending** ______________________________
- **Unknown** ______________________________
- **Other** ______________________________

Committee action:
Approved ____________ **Disapproved** ____________ **Terminal dates(s)** ______
______
______

Committee members: ______________________________
(Signatures)

FREE LUNCH APPLICATION

Date ____________

Parents Name ______________________________
Address ______________________________ **Phone** ____________

Student	____________________	**School**	______________	**Grade**	________
	____________________		______________		________
	____________________		______________		________
	____________________		______________		________
	____________________		______________		________

Number of children living at home------------ Age range of children----------
Financial circumstances—general: income per month $----------------------
Expenses per month:
  Rent $---
  Utilities $---
  Automobile $--------------------------------------
  T.V. $---
  Other Bills $--------------------------------------
Status with Welfare Dept.:
  State Aid ---
  County Aid --
  Aid Pending--
  Unknown ---
  Other ---

I apply for free lunch for my child (children) as named above and hereby authorize the Stanislaus County Welfare Dept. to release confidential information pertinent to this application to a responsible representative of the Modesto School District. I also apply for free lunches on an emergency basis pending the disposition of this application. I request that immediate notice in writing of the disposition of this application be sent to me and Calif. Rural Legal Assistance, 405 H Modesto.

Signature --
Committee action: approved --------------- disapproved ----------------
Committee members: ---

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

I, Philip Neumark, being first duly sworn, depose and say that:

I am an attorney admitted to practice in California.

On Friday, September 12, 1969, Dearl Andrews and I spoke to Mr. Clyde Hull, Supervisor of Child Attendance and Welfare for the Modesto City Schools.

We showed Mr. Hull a school lunch application form prepared by Daniel Lowenstein and myself. This application form included all the information contained in the application form employed in the Modesto Schools during 1968–1969.

Mr. Andrews and I asked Mr. Hull if the form prepared by our office was acceptable for use during the present school year. After speaking with A. J. Shaw, Jr., of the County Counsel's office, Mr. Hull stated that this form was not only acceptable, but better than the 1968–1969 form.

We then asked Mr. Hull if completed application forms could be submitted by an agent of the applicant. After discussing this matter for a few minutes he agreed to accept applications which were submitted by an agent.

PHILIP NEUMARK.

Subscribed and sworn to before me this 21 day, of September 1969.

RITA ESCARCEGA,
Notary Public in and for the county of Stanislaus, State of California.

My Commission Expires: Jan. 2, 1971.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss:

WE, Don Wilson, Ben Parish, and Dearl Andrews, being duly sworn, depose and say that:

On September 15, 1969, Mrs. Maggie Warren told us that her children had been denied free lunches in the Modesto Schools on the ground that her family did not have unmet need according to the Stanislaus County Welfare Department. Two letters which she said she received from the Modesto Schools are attached hereto and are incorporated by reference as if fully set forth.

On September 16, 1969, Al Cavaggion, a supervisor with the Stanislaus County Welfare Department, gave Mrs. Warren a written statement that she *did* have an unmet need.

We immediately went to the Robertson Road School and showed Mr. Cavaggion's written statement to the principal. He then had his secretary phone Mr. Clyde Hull of the Superintendent's office. The secretary told us that Mr. Hull had stated that Mrs. Warren's children would immediately be granted free lunches.

Later that day we saw Mrs. Warren who told us that contrary to the prior statement of that her children would not be eligible for free lunches.

In an effort to clarify the confusion, Mr. Andrews phoned Mr. Hull. Mr. Hull stated that he had decided to deny the application because he was not using an unmet need standard but "the gross-income standard." He would not explain what this meant, but said an appeal could be taken to Dr. Corona, Superintendent of Schools.

Mrs. Warren then executed a document authorizing us to represent her in the appeal to Dr. Corona. This document is attached hereto and is incorporated by reference as if fully set forth.

Ben Parish then telephoned Dr. Corona who stated that we could not represent Mrs. Warren because we were not lawyers.

On the following morning we saw Dr. Corona who again refused to allow us to represent Mrs. Warren in her appeal before him because we were not lawyers.

DON WILSON,
BEN PARISH,
DEARL ANDREWS.

Subscribed and sworn to before me this 21 day of September 1969.

RITA ESCARCEGA,
Notary Public in and for the County of Stanislaus, State of California.

My Commission Expires: Jan. 2, 1971.

MODESTO HIGH SCHOOL.
Modesto, Calif., September 11, 1969.

MRS. WARREN.
1720 Robertson Road,
Modesto, Calif.

DEAR MRS. WARREN: We have checked with Mr. Reid of the Welfare Department concerning your application for free lunches. Mr. Reid has informed us that your current income indicates that there is no unmet need in your circumstance.

According to the present Modesto Board of Education Free Lunch Program, we must deny your request. If, however, there are extenuating conditions which make free lunches essential to the well being of your child, please contact me again.

Sincerely,

DUDLEY ROACH, *Counselor.*

ROBERTSON ROAD SCHOOL.
September 11, 1969.

DEAR MRS. WARREN: This letter is written concerning your request for free lunches.

Your application was made on an improper form. To complete the application correctly it will be necessary for you to come to school and complete the proper application form.

Thank you.

Very Truly Yours,

MR. FRANK JEANS, *Principal.*

AUTHORIZED REPRESENTATIVE

SEPTEMBER 17, 1969.

MODESTO CITY SCHOOLS,
426 Locust Avenue,
Modesto, Calif.

I, Maggie Warren, of 1720 Robertson Road, Modesto, California, authorize Dearl Andrews, Benny Parrish, and Don C. Wilson to represent me in my appeal regarding my application for school lunches.

MAGGIE WARREN.

OSHKOSH AREA PUBLIC SCHOOLS—FOOD SERVICE DEPARTMENT

FREE SERVICES POLICY

Intent

The intent of this policy is to establish uniform standards for providing a Type A lunch under the National School Lunch Act, a one-half pint of recess milk under the Special Milk Program and a breakfast under the Child Nutrition Act of 1966 to students without charge, as a remedial educational endeavor. This policy shall apply to all students attending schools in which lunch, milk and/or breakfast programs are offered.

General conditions

No identities of individual students receiving food services without charge shall be made public and no specific reasons for any individual students receiving food services without charge shall be recorded except by the Pupil Services Director. No students receiving food services without charge shall be required, as a condition of receiving such services to:

(1) Use a separate dining room,
(2) Use a separate serving line,
(3) Enter the dining room through a separate entrance,
(4) Eat lunch or drink milk at a different time,
(5) Work for their food services,
(6) Use a different medium of exchange than paying children in the dining room, or
(7) Eat a different meal than paying children.

Any students who become eligible for free food services during the school year shall be identified to the Pupil Services Director.

A termination of any students free food services may not be made until the end of the school term during which he became eligible, without justifiable cause.

The final decision as to the granting or termination of free food services for any individual students, within policy standards, shall be made by the Pupil Services Director in consultation with the Food Service Manager and a School Nurse. In the event a parent believes a decision is not acceptable, he may appeal to the Superintendent of Schools for further consideration.

Policy—Low income students

All students from families participating in Public Assistance Programs or from families whose income is at a level which qualifies them to receive foods under the USDA Commodity Distribution Program shall be furnished food services without charge. Students in the preceding categories shall be identified to the Oshkosh Area Public Schools Pupil Services Director by the Winnebago County Department of Social Services and shall, without applying, be furnished food services without charge.

The following procedures will apply to the above students:

(1) All parents or guardians of eligible students shall be contacted by the Department of Social Services and advised of the free food services offered for their children.

(2) A list of names and addresses of all eligible students shall be submitted to the Pupil Services Director by August 15, preceding each school year. Names of students who become eligible during a school term shall be submitted when they become eligible.

(3) The Pupil Services Director shall compile a complete list of all eligible students in each school which he will submit to each school principal. He will also submit a list of total students eligible in each school to the Food Service Manager.

(4) Each individual school principal shall be responsible for insuring that all eligible students receive free food services, without their identity being made known to other students.

Policy—Inadequately nourished students

Any student identified by a School Nurse to be inadequately nourished, for whatever reason, shall be furnished food services without charge. The judgment of a School Nurse as to a student's eligibility shall be based on any one of the following explicit, but not exclusively criteria:

(1) A child who is obviously suffering from clinically identifiable malnutrition.

(2) A child whose school attitudes or behavior consistently indicate the possibility of undernourishment.

(3) A child from a family whose discernible income and liquid assets do not exceed the criteria for certification of non-public assistance households for participation in the Commodity Distribution program (see attached standards for eligibility).

(4) A child from a family experiencing a temporary emergency such as a illness or death in his family or other circumstances imposing a hardship for an indefinite period.

The following procedures will apply to the above students:

(1) Parents, faculty members, staff members or principals shall identify the child directly to a School Nurse or to the Food Service Manager or Pupil Services Director, who will confer with a School Nurse.

(2) A student deemed eligible for free food services by a School Nurse shall be identified to the student's school principal.

(3) The school principal shall identify the student to the Pupil Services Director who will update his list of eligible students for the school principal and the Food Service Manager.

(4) Each individual school principal shall be responsible for insuring that all eligible students receive free food services, without their their identity being made known to other students.

STANDARDS FOR ELIGIBILITY OF NON-PUBLIC ASSISTANCE HOUSEHOLDS

Eligibility will be extended to those children from households whose monthly net income does not exceed the amounts listed in the following scale:

Number of persons in family

1	**$135**	**6**	**$350**
2	**185**	**7**	**385**
3	**215**	**8**	**420**
4	**260**	**9**	**445**
5	**295**	**10**	**460**

Add $30 for each person in households of more than 10 members.

Net income is defined as gross income minus such payroll deductions as Federal and State withholding taxes, OASDI deductions, union dues, or similar deductions from salaries which are mandatory and not elective on the part of the employee. With respect to self-employed persons, net income means gross income minus the cost of producing such income. If the only income is farm income and it is stable from year to year, it may be determined from the previous year's income tax form prior to the consideration of depreciation.

Net income and applicable resources of public assistance or general assistance recipicents in a non-public assistance household shall be included in the net income and resources of the non-public assistance household.

Liquid assets not in excess of $750 for a single person and $1,500 for a two person household with an additional $100 for each additional member will not prevent a finding of eligibility if other requirements of eligibility are met. The cash or loan value of life insurance policies need not be considered as liquid assets.

Consideration in determining eligibility may be given to those households exceeding the monthly income scale under the eligibility standards hereinbefore outlined in cases of unusual expenditures. Such expenditures shall include sustained medical expenses, including prepaid medical expenses, and/or expenses resulting from natural disaster or accidents.

In the case of working person(s) who contribute substantially to the support of a non-assistance household, child care expenses incurred in order to obtain or continue employment may be deducted from the net income.

FOOD SERVICES OFFERED

School	Type A lunch	Special milk
Boyd Elementary	Yes	Yes.
Dale Elementary		Yes.
Eimmeline Cook Elementary	Yes	Yes.
Franklin Elementary	Yes	Yes.
Grange Elementary	Yes	Yes.
Green Meadow Elementary	Yes	Yes.
Jefferson Elementary		Yes.
Lakeside Elementary	Yes	Yes.
Lincoln Elementary	Yes	Yes.
Longfellow Elementary		Yes.
Merrill Elementary		Yes.
Merrill Junior High		Yes.
Oaklawn Elementary	Yes	Yes.
Oakwood Elementary	Yes	Yes.
Oshkosh High School [1]	Yes	Yes.
Perry A. Tipler Junior High	Yes	Yes.
Read Elementary	Yes	Yes.
Roosevelt Elementary	Yes	Yes.
Smith Elementary		Yes.
South Park Elementary	Yes	Yes.
South Park Junior High	Yes	Yes.
Sunset Elementary	Yes	Yes.
Washington Elementary		Yes.
Webster Stanley Junior High	Yes	Yes.
Winnebago Elementary	Yes	Yes.

[1] Breakfast offered.

STATEMENT OF POLICY—SCHOOL DISTRICT OF PHILADELPHIA

FREE OR REDUCED PRICE LUNCHES FOR NEEDY SCHOOL CHILDREN

I. Statement

The School District of Philadelphia will provide free or reduced price lunches under the Federal Type A School Lunch Program to eligible school children who are in attendance in participating schools where this type of lunch is provided, to the limit of the funds made available for this purpose, and in accordance with the procedures set forth herein by the Board of Education and the Department of Public Instruction.

II. Procedure and criteria in establishing eligibility

A. REQUEST

1. Request for application shall be normally initiated by school personnel, and may in addition be initiated by a parent or guardian or other person with personal knowledge of the child's need.

2. Application shall consist of a simple statement of family size and income, with additional space provided to show participation in welfare programs or for an explanation of special circumstances showing financial hardship. The application should bear the signature of the parent or guardian.

3. Application shall be presented to the principal of the participating school who will determine within a maximum of thirty days, need in accordance with the agreement policy and make the assignment if the criteria were met.

4. Appeals process shall consist as follows:

(*a*) Adequate written notice be provided on the application form and on the determination of eligibility reply form of the right of appeal and personal hearing with the school principal and later, if necessary, with the district superintendent.

(*b*) The reply form shall also inform the parent of reasons for the denial of the free or reduced price school lunch, and the right to bring a friend or representative to help him explain the facts when appealing to the principal or the district superintendent.

(*c*) All hearings and decisions shall be rendered within thirty days of the request, whether written or oral, for an appeal.

B. CRITERIA FOR DETERMINING BLANKET SCHOOL APPROVALS

Such approvals will have high priority, for the need concentration will be greater in school locations which qualify under the blanket approval method.

1. Free or reduced price lunches shall be offered to every child in attendance at a school that receives a blanket approval.

(*a*) Information from completed Form PIRS–325, "Report on the Concentration of Pupils from Low Income Families in the Schools of Pennsylvania, 1968–69", will determine qualifying schools. Priorities are to be established in descending order, from highest percentage enrollments of low income family children in attendance, to those schools having 51% of their enrollment from low income families.

(*b*) Both free and the reduced price lunch are the same, that is a standard Federal Type "A" lunch. It is the same lunch which provides ⅓ the daily nutritional requirements for which children in non-disadvantaged elementary schools pay the regular price of 35¢.

C. CRITERIA FOR DETERMINING APPROVAL FOR INDIVIDUAL APPLICATION

1. Free or reduced price lunches shall be offered according to the following criteria:

(*a*) Children from families that are eligible for various forms of economic assistance such as welfare assistance, food stamp program, Commodity Distribution program, O.E.O., A.F.D.C., Children's Aid and Family Service, or other assistance agencies that are applicable.

(*b*) Children from families not participating in assistance programs, but whose family income levels are comparable to those income categories established by local, state and federal assistance programs.

(*c*) Families with three or more children attending schools where lunches are available, and whose total family annual income amounts to $3,000 or less, may apply for free lunch. Every effort will be made to interest private foundations, charities, and other agencies in contributing money to make up the difference in receipts between the free and reduced price lunch.

2. Exception shall be made for families of any income or size who declare themselves to be in a state of temporary financial need, such as extended illness or disability, or job lay-off, or other circumstances imposing an economic hardship on the family or a nutritional hardship on the children.

3. The above criteria and requirements shall not preclude schools from granting free or reduced price meals when justified on grounds of financial hardship.

III. Assignment policies

1. Students receiving free or reduced price lunches shall eat in the same area as other students without any form of segregation or discrimination.

2. No method shall be used to identify the students receiving free or reduced price lunches such as posted lists or announced lists, special lines, different means of payment, etc.

3. Students shall not be required to perform a service or to work for their free or reduced price lunch.

4. If a student transfers or is promoted from one school to another within the district, assuming lunches are available at both schools, it shall be the responsibility of the principal to notify the principal of the receiving school.

5. Accounting for students benefiting from this program shall be done in a central office in such a way as to protect the anonymity of each participant.

IV. Implementation

1. The Food Service Department will make weekly meal tickets available to the principal for distribution to his designees for sale in the participating schools. The same numbered type ticket will be used for regular, free or reduced price lunches. The principal shall be solely responsible for all tickets issued to him by the Food Service Department.

V. Announcement of District policy

Announcement of District Policy concerning eligibility for free or reduced price lunches will be made through the news media and announcement at a public Board meeting.

VI. Responsibility of food service department

The Food Service Department shall be responsible for the instituting and carrying out of the Board policy to the best of its ability in accordance with the National School Lunch Act as defined by the State Department of Public Instruction.

National School Food Service Finance Project,
Tallahassee, Fla., September 19, 1969.

Mr. Philip Neumark,
California Rural Legal Assistance Service,
Modesto, Calif.

Dear Mr. Neumark: Following your phone call late yesterday afternoon, I contacted Mr. George Hockenberry who is acting Florida State School Food Service Director while I am on leave. He expects out of city visitors and has a heavy schedule today, but we will try to get the information you requested mailed before the end of the day.

You probably have a copy of The Hearings before the Committee on Education and Labor in the House of Representatives, Ninetieth Congress, Second Session on H.R. 17144, etc. Part I—On malnutrition and federal food service programs hearings held May 21–June 3, before the Committee on Education and Labor, Carl D. Perkins, chairman. It contains testimony I presented before the committee. On page 567 you will find the following statement: "At present we are serving about 125,000 economically needy pupils. At 15 cents, this uses about $3,400,000, or a large portion of our Section 4 funds, thereby reducing the reimbursements paid non-special assistance schools. If we served Type A lunches to the more than 222,000 economically needy pupils benefiting from Title I ESEA, we would need an allocation of over $6,000,000 Section 11 funds."

According to information available in this office for the 1967–68 school year Florida received Section 4 funds in the amount of $6,118,178 and Section 11 funds in the amount of $260,998. Section 4 funds were expended as follows:

(1) Reimbursement to schools for lunches served to non-economically needy pupils—$3,277,339. Section 4 schools.

(2) Supplemental reimbursement (at 15¢ per lunch) to Section 4 or non-special assistance schools for lunches served to economically needy pupils—$1,664,070.

(3) Reimbursement (at 15¢ per lunch) to special assistance schools for lunches served to economically needy children $1,176,767. The final official State Department of Education report may have slightly different figures.

Of course, all Section 11 funds were used to reimburse special assistance schools. A total of $1,437,767 was paid to special assistance schools. This added to the needy supplements (item (2) above) paid for lunches served to economically needy pupils in non special assistance schools at a 15¢ rate per meal, gives the total of $3,101,837 used at a rate of 15¢ per lunch to aid economically needy pupils. This equals 48.7% of the total National School Lunch Act funds Florida received. We would have spent larger amounts if federal rate ceilings had permitted.

I am also attaching a leaflet which describes the research project now underway. We hope that it will be helpful in securing more adequate federal and state tax provisions for feeding children at school.

Cordially yours,

Thelma G. Flanagan.

State of Florida Department of Education,
Tallahassee, September 19, 1969.

Mr. Philip Neumark,
California Rural Legal Assistance
Modesto, Calif.

Dear Mr. Neumark: The following is in answer to your request for information regarding Florida's use of Section 4 Funds for Section 11 purposes in the past two years:

1967–68: $3,101,836.24 Section 4 Funds Used for Section 11 purposes, representing 12,026,918 Children's Type A meals.

1968–69: $3,466.435.37 Section 4 Funds Used for Section 11 purposes, representing 27,866,009 Children's Type A meals.

Sincerely,

George Hockenbery,
Acting Administrator, School Food Service.

MODESTO CITY SCHOOLS,
Modesto, Calif., September 18, 1969.

MRS. FERTIE WARREN,
1702 Robertson Road,
Modesto, Calif.

DEAR MRS. WARREN: This letter is in response to your telephone call on September 17, 1969. We have attempted to return your call regarding your desire to appeal the decision which denies your application for a free lunch for your son Fertie.

The District's current policies allow you to appeal the decision to the Superintendent's Executive Council and ultimately, if necessary, to the Board of Education. If you wish to schedule an appeal, kindly call or write my office so that a hearing may be called.

I cannot accept Mr. Ben Parrish as your representative in this matter.

Respectfully,

BERT C. CORONA, *Superintendent, Modesto City Schools.*

MEMO IN OPPOSITION TO MOTION TO DISMISS FOR FAILURE TO STATE A CAUSE OF ACTION

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

(Civil Action No. Civ. S-1336)

BILLIE SHAW, ET AL., PLAINTIFFS

v.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS

Memorandum in opposition to Federal defendants' motion to dismiss for failure to state a cause of action.

INTRODUCTION

In an unprecedented action the Stanislaus County Board of Supervisors on December 9, 1969, declared that a state of disaster exists in Stanislaus County (which includes Modesto) because of widespread poverty and hunger.[1] This drastic action followed an announcement by the Stanislaus County Welfare Department that "as many as 2,000 families or 8,000 individuals may be hungry and without help next month." [2]

Dr. Robert Watson, deputy county health director, stated that " 'starvation' is a possibility in the county, but the word 'malnutrition' might better describe what a food shortage would cause." He added that "people would succumb to diseases which normally they would resist" because of malnutrition. "Even a common cold can threaten a hungry person," he said. He noted, "children are particularly susceptible to such weakening if they are improperly fed." [3]

The severity of the hunger problem in Stanislaus County was attributed to a marked increase in unemployment and the inadequacy of welfare grants. A representative of the Stanislaus County Welfare Department stated that inadequate welfare grants cause hunger and malnutrition because, "since the costs of rent, utilities, transportation and other needs are relatively inflexible, . . . cuts must be made in the food budget." [4]

In the context of the present hunger crisis in Stanislaus County, the question is more crucial than ever whether the Modesto School Board can continue to divert aid which it receives under the National School Lunch Act to middle and upper class children who can afford lunches or whether this federal aid should benefit the needy children who will otherwise go without a nutritious lunch.

This memorandum is addressed to the federal defendants' motion to dismiss based on the contention that plaintiffs have failed to state a cause of action against them.

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[1] Modesto Bee, December 9, 1969. Page 1, column 1.

[2] Modesto Bee, December 7, 1969. Page 1, column 4.

[3] Modesto Bee, December 7, 1969. Page A-12, column 8.

[4] Modesto Bee, December 7, 1969. Page 1, column 6.

ARGUMENT

Even before the hunger crisis in Stanislaus County reached its present proportions, the defendants in this action did not deny that needy school children in the Modesto schools were being denied hot lunches when their families were unable to afford them. Nor do the defendants deny that under Section 9 of the National School Lunch Act, 42 U.S.C. § 1758, the local school authorities must determine the children who are unable to afford the full cost of a lunch and must provide such children with free or reduced cost meals. The defendants are asking this court, however, to ignore the mandatory language of Section 9: they urge that as a matter of policy poor children should go without lunch because of an alleged difficulty in adequately funding the program.

Solely because of the Modesto School Board's refusal to finance the free lunch program from the nearly quarter of a million dollars which it receives in federal aid under the National School Lunch Act, the Board during the summer of 1969 was compelled to adopt an eligibility standard calculated to exclude 85% of the needy children in the district from the free lunch program. Under this new restrictive standard many poor children, including the plaintiff Shaw children, who had received free lunches during the 1968–1969 school year would have been denied hot lunches during the present school year. But children such as the Shaws have not been forced to go hungry so far this year because this Court enjoined the Board from imposing its new standard and ordered the Board to operate under the admittedly inadequate but not quite so restrictive standard employed in 1968–1969.

Whereas under the school board's proposed plan a maxmum of 400 poor children would receive hot lunches, 492 were being fed pursuant to this Court's order as of November 20, 1969. Thus at least 92 needy children are benefiting from the Court's order and this number may be expected to increase markedly due to the high rate of unemployment in the winter months. Because of admited inadequacies in the 1968–1969 program, however, at least 80% of the needy children in Modesto are not covered by the Court's protective order and consequently are being excluded from the lunch program.

In their motion to dismiss the federal defendants apparently acknowledge that plaintiffs have stated a cause of action in their amended complaint against the Modesto School Board, and that this court can grant effective relief against the Board. They contend, however, that no such claim has been stated against the Department of Agriculture.

The plaintiffs' claim against the federal defendants is based on the failure of the Department of Agriculture to require the Modesto School Board to fulfill its obligation under Section 9 of the National School Lunch Act of providing free or reduced price lunches to children who are unable to pay the full price. The federal defendants are asking this Court to excuse them from this responsibility on the ground that the Department of Agriculture has no effective means of enforcing Section 9. But as defendants admit at page 15 of their ground that the Department of Agriculture has no effective means of enforcing Section 9. But as defendants admit at page 15 of their motion to dismiss, the Secretary of Agriculture could "request the State of California to terminate the agreement with the Modesto public schools and discontinue any payments to the schools from Federal funds, and possibly to take similar action against the State of California if it failed to comply." Of course, the Modesto Board could be given an opportunity to comply before its aid is cut off. Because of the duty of USDA to insure compliance with Section 9 and because of their failure to do so, the plaintiffs have stated a cause of action against the federal defendants.

The objection of the federal defendants has little merit in view of the well-established concept that Congress, in its grant-in-aid programs, may impose conditions upon the use of federal funds by states and localities. In *Oklahoma* v. *United States Civil Service Comm'n.*, 330 U.S. 127, 67 S.Ct. 544 (1947), the Supreme Court held that the Civil Service Commission could order a state to comply with provisions of the Hatch Act or face the loss of funds under the federal highway program. The Court stated that the federal government has the power "to fix the terms upon which its money allotments to states shall be disbursed," 330 U.S. at 143, and that "the offer of benefits to a state by the United States dependent upon cooperation by the state with federal plans, assumedly for the general welfare, is not unusual." *Id.* at 144. Certainly it is common for Congress to seek to encourage the states to act in a desired manner by making such action a required condition of benefit under a grant-in-aid program. This Congressional power would be totally vitiated if, as the federal defendants apparently suggest, federal agencies are powerless to require compliance with the conditions of grants-in-aid.

The federal defendants' position that they are without power to enforce Section 9 is not only without support in the statute but would jeopardize the constitutionality of the Act. The federal defendants apparently argue that a school board may, without fear of losing its federal subsidies, administer the program so as to benefit only those students affluent enough to afford the full cost of the lunch. But such a discriminatory program would certainly violate the equal protection clause of the Constitution.

A "statutory discrimination must be based on differences that are reasonably related to the purpose of the Act in which it is found." *Morey v. Doud*, 354 U.S. 457, 465 (1957); *Carrington v. Rash*, 380 U.S. 89, 92–93 (1965). Inasmuch as Section 2 of the Act sets forth the Act's purpose of safeguarding "the health and well-being of the nation's children," 42 U.S.C. § 175—poor, as well as rich—there can be no rational basis for excluding indigent children from the Act's benefits.

The unconstitutionality of the discrimination between children who can afford a lunch and those who cannot is all the more clear because the right in question is a "basic" civil right and thereby requires "strict scrutiny" by the court when its denial to some people is attacked on equal protection grounds. *E.g., Skinner v. Oklahoma*, 316 U.S. 535 (1942). To come within this "strict scrutiny" doctrine a right need not be one of those specifically enumerated in the Constitution; it may be statutory in origin, *Levy v. Louisiana*, 391 U.S. 68 (1968), or it may be "basic" in the sense that it is necessary for the maintenance of a decent, dignified existence. See *Loving v. Virginia*, 388 U.S. 1, 12 (1967). In *Brown v. Board of Education*, 347 U.S. 483, 493 (1954), the Supreme Court noted: "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity where the state has undertaken to provide it, is a right which must be made available to all on equal terms." The same reasoning applies *a fortiori* when the government provides food, which is necessary for success in school and in all other activities. "[Hungry] children, being deprived of normal brain development, do not do well in school. They do not have the intelligence, the initiative, or the motivation that stems from normal brain capacity." (Testimony of Aaron Altschul, Research Service, U.S. Dep't. of Agriculture, in "Hunger U.S.A." at 30).

The school lunch program involves the right to an adequate diet. This right is, without question, "fundamental to the very existence and survival of the race." *Skinner v. Oklahoma, supra* at 541. Without food persons cannot function properly and productively and are unlikely to develop their full mental and physical capacities. The rights to food and to an adequate diet underlie all other rights, as they are esssential for life itself: no other rights can be enjoyed without these. They are equally, if not more important than the right to procreate (*Skinner v. Oklahoma*), the right to marry (*Loving v. Virginia*) or the right to vote (*Reynolds v. Sims*). As such, the denial to some of benefits clearly intended to fulfill the right to food and an adequate diet must receive strict scrutiny from the courts and can be upheld "only if it is necessary, and not merely rationally related, to the accomplishment" of the policy of the statute. *McLaughlin v. Florida*, 379 U.S. 196 (1964).

The Supreme Court in *Shapiro v. Thompson*, 89 S. Ct. 1322 (1969), applied the strict scrutiny test to a residency rule that denied to some families "welfare aid upon which may depend the ability of the families to obtain the very means to subsist—food, shelter, and other necessities of life." Certainly the direct denial of one of the "necessities of life"—in this case a nutritious lunch—on the basis of inability to pay is just as constitutionally suspect as the indirect denial of the necessities in *Shapiro*.

As the Court said in Shapiro, "We recognize that a State has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. It could not, for example, reduce expenditures for education by barring indigent children from its schools." Surely there is no more justification for barring indigent children from the school lunch program than there would be for barring them from the schools altogether.

CONCLUSION

The discriminatory administration of the school lunch program by the defendant school board has been a significant factor in the crisis that recently caused the

Board of Supervisors to declare Stanislaus County a disaster area. Because of their failure to enforce Section 9 of the National School Lunch Act the federal defendants have contributed to the problem and plaintiff's complaint states a cause of action against them.

Respectfully submitted.

DANIEL HAYS LOWENSTEIN.
PHILIP NEUMARK.

PROOF OF SERVICE BY MAIL—AFFIDAVIT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

Shirley Hickox, being sworn, says: That affiant is a citizen of the United States, over the age of 18, residing in the County of Stanislaus and is not a party to the above entitled action; that affiant's business address is: 405 H Street, Modesto, California; that on December 11, 1969, the affiant served the within MEMORANDUM IN OPPOSITION TO FEDERAL DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CAUSE OF ACTION by placing a true copy thereof in an envelope addressed to each of the following at the addresses stated below, and by then sealing and depositing said envelopes, with postage thereon fully prepaid, in the United States mail at Modesto, California, where is located the office of the attorneys for the persons by and for whom said service was made. That there is delivery service by United States mail at the places so addressed and there is regular communication by mail between the place of mailing and the places so addressed:

A. J. Shaw, Jr., Deputy County Counsel
County of Stanislaus
404 County Offices Building
P.O. Box 74
Modesto, California 95353

Thomas Lynch, Attorney General
Richard L. Mayers, Deputy Attorney General
500 Wells Fargo Bank Building
5th Street in Capitol Mall
Sacramento, California 95814

John P. Hyland, United States Attorney
Richard W. Nichols, Assistant U.S. Attorney
2112 Federal Building
650 Capitol Mall
Sacramento, California 95814

Gary H. Baise, Special Assistant to the
Assistant Attorney General
Civil Division, Department of Justice
Washington, D.C. 20530

SHIRLEY HICKOX.

Subscribed and sworn to before me this 11th day of December, 1969,

RITA ESCARCEGA,
Notary Public in and for said County and State.

STIPULATION

U.S. DISTRICT COURT FOR THE EASTERN DIVISION OF CALIFORNIA

(Civil Action No. S–1336)

BILLIE SHAW, ET AL., PLAINTIFFS
v.
GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS

STIPULATION

It is hereby stipulated by and between counsel for plaintiffs and counsel for defendants Governing Board of the Modesto City School District and Modesto High School District as follows:

1. During the 1968–69 school year, the Modesto City School District and the Modesto High School District (hereinafter jointly referred to as the Modesto

School District) received $135,635.61 (fair market value) worth of Section 6 and Section 32 (7 U.S.C. Section 612c, 1431) commodities and $81,648.07 in reimbursements under the School Lunch Act and the Special Milk Program, (cite). In addition, the district received $20,613.15 in special assistance funds from the State Department of Education during the same period. The amounts received under these programs for 1968–69 totaled $237,896.83.

2. Assuming the cost of each lunch is $.37, the sum of $237,896.83 is sufficient to provide free Type A lunches to 3537 children per day.

3. At all times since July 1, 1967, the governing board of the Modesto School District has operated under the National School Lunch Act.

4. During the 1968–69 school year, there were 2941 children enrolled in the schools of the Modesto School District who came from families supported by welfare assistance under Aid to Families with Dependent Children (AFDC). In addition, an uncertain number of children enrolled in the schools of the district came from families with incomes at or below the AFDC level.

5. During the 1968–69 school year, 32,331 free Type A lunches were served in the Modesto School District for a daily average of 182 lunches. A total of 1,098,907 Type A lunches were served.

During 1968–69, the school board expended from locally appropriated funds $11,041.35 for free lunches.

7. During 1969–70, it can be reasonably anticipated that the school district will receive from federal programs supporting school lunches approximately the same amount as were received during 1968–69.

8. Plaintiffs Joseph, Donald, Anna Marie, Rickey and Howard Shaw received free lunches while attending schools in the Modesto School District during 1968–69.

Legislative History of National School Lunch Act

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

(Civil Action No. S–1336)

Billie Shaw, et al., plaintiffs,
v.
Governing Board of the Modesto City School District and Modesto High School District, et al., defendants

This memorandum is submitted to show that it was the clearly-expressed intent of Congress in passing the free lunch provision in Section 9 of the National School Lunch Act that all needy children in participating school districts should receive free or reduced price lunches.

By asking this court to declare that the Board's obligation under Section 9 "is subject to the provision [*sic*] that the dollar amount required to be expended therefor need be no greater than the combined total of money received from federal, state and private sources designated for such purposes, plus whatever amount defendants budget from school funds for such purposes," (Answer, prayer, Paragraph 2) defendants seek to effectively eliminate the free lunch provision from the act, even though they cite no statutory or other authority to support their position.

Defendant's position is based on the mistaken belief that Congress never intended to require local school boards to expend any funds for the free lunch program. On the contrary, one of Congress' principal reasons for enacting the National School Lunch Act was to require state and local governments to make a financial contribution to the school lunch program.

By passing the National School Lunch Act in 1946, Congress hoped to expand and make more effective the school lunch program which the United States Department of Agriculture had been operating on an administrative basis for more than ten years. In particular, one of Congress' main goals was to enlist financial support from States and local school districts. The House Committee on Agriculture, in recommending the bill, stated that:

> Such aid heretofore extended by Congress through the Department of Agriculture has, for the past 10 years, proven of exceptional benefit to the children, schools, and agriculture of the country as a whole, but the necessity for now coordinating the work throughout the Nation, *and especially to encourage and*

> *increase the financial participation and active control by the several States* makes it desirable that permanent enabling legislation takes the place of the present temporary legislative structure.
>
> H.R. Rep. No. 684, "School Lunch Program," 79th Cong. 1st Sess., June 5, 1945, at 1. (Hereinafter referred to as "House Report") (emphasis added).

And the Senate Committee on Agriculture and Forestry, likewise recommending passage of the bill stated that:

> The welfare of the Nation's children, and in particular their education and health, has always been a matter of immediate public concern to the National Government as well as to the several States. The defense of the Nation and its bases of economic and political existence are dependent on an informed and vigorous citizenry. It is undoubtedly true that the education of children and child welfare are also proper functions of the several States. Legislation in regard to these matters should essentially be along the lines of aid to the States in the provision therefor. *Grants-in-aid to the States have always been an acceptable means of encouraging States to undertake these proper functions and is a method consonant with American traditions. The requirement placed on the States of matching funds granted by the Government relieves the financial burden on the Federal Government and encourages active State participation.*
>
> Sen. Rep. No. 553, "Providing Assistance to the States in the Establishment, Maintenance, Operation, and Expansion of School-Lunch Programs," 79th Cong., 1st Sess., July 28, 1945, at 12. (Hereinafter referred to as "Senate Report") (emphasis added).

During the hearings in both the House and the Senate, Congressmen and witnesses alike recognized that the federal appropriations authorized by the Act would meet only part of the need, and that the success of the program would depend on contributions from States and local school districts.

> Senator HATCH. You would say that this initial appropriation of $50,000,000 would have to be greatly extended if it is to serve all the needy children of this country?
>
> Miss (BESS) GOODYKOONTZ (of the U.S. Office of Education, which had co-authored the Senate bill). That is right. It is an encouragement for the greater participation of the local district, in the financing and operation of their own school programs.
>
> (Hearings on S. 1820, 1824, "Assistance to States for School-Lunch Programs," 78th Cong., 2d Sess., May 2–5, 1944, at 25–26. (Senate Committee on Agriculture and Forestry) (Hereinafter referred to as "Senate Hearings").)
>
> * * * * * * *
>
> Senator ELLENDER. What effect would it have on those local communities in expanding their program if the Government were to propose this matching program? It has been my experience that when the Federal Government interests itself in a program, the local communities rather slack down in their efforts and like to leave a lot of it for the Federal Government to do. I would like to have your reaction to that.
>
> Mr. (R. H.) WOODS (Kentucky State Directory of Vocational Education). Well Senator, I don't feel that an appropriation for the school-lunch program would have that result. . . . (Senate Hearings at 47.)
>
> * * * * * * *
>
> Senator ELLENDER. My hope is that any funds that are made available by the Federal Government will act as an incentive to the local community to carry on this work. That is my hope. (Senate Hearings at 63.)
>
> * * * * * * *
>
> Rep. POAGE. *If a school district just refuses to levy any taxes, then the children are in need, yet I can't, for the life of me, believe we ought to give somebody power to give a school district that refuses to do a thing in the world for itself aid from the Federal Government.*
>
> Hearings on H.R. 2673, 3370, "Lunch Program," 79th Cong., 1st Sess., March 23–May 24, 1945, at 21. (House Agriculture Committee) (Hereinafter referred to as "House Hearings"). (Emphasis added).
>
> * * * * * * *
>
> Rep. PACE. Personally, I very heartily favor the school-lunch program and appreciate its benefits, but it has seemed to me that in view of the financial condition [of the Federal Government] the Federal contribution should be the

minimum amount which will encourage the cities and the counties to carry on the program.

House Hearings at 79.

One witness, William T. Cooper, the School Lunch Director for Allegany County, Maryland, suggested, perhaps prophetically, that Congress might be indulging in "wishful thinking" when it relied on States and local school boards to contribute their share so that the school lunch program, including the free lunch program, would be fully effective. The Chairman of the Committee on Agriculture, Rep. John W. Flannagan, who later was the floor leader for the bill in the House, replied flatly:

> If it is wishful thinking, I will tell you frankly that this school-lunch program is not going to last. *If the States and localities cannot contribute their share, you are going to have to kiss it good-by.* (Emphasis added). House Hearings at 103.

The widespread insistence in both the House and the Senate that the States and local school districts contribute to the program was in part a reflection of Congress' reluctance to appropriate the full cost of an effective school lunch program. But notwithstanding Congress' concern regarding the cost of the program, there was never any question raised with respect to the requirement that free or reduced cost lunches should be served to all needy children. This provision was seen as central to the purposes of the Act. According to the House Report, the bill established:

> certain *conditions* to be complied with in the establishment of the school-lunch program, specifically:
>
> * * * * * * *
>
> (b) Lunches shall be served without cost or at a reduced cost to those children whom the school authorities determine are unable to pay full cost. (Emphasis added).
>
> House Report at 5.

The House Committee explained the importance of the free lunch program as a part of a program that would benefit all children:

> This improvement [in nutrition, physical development and educational progress] takes place on all income levels inasmuch as an adequate lunch at school or adequate nutrition is not necessarily assured by the higher-income of the parents or the rise in the national income as a whole. The increase of working mothers, consolidation of schools, greater travel time to schools, and rising scale of food costs, together with fixed incomes for many large groups, make the school-lunch program, in which *those who can pay are permitted to pay and those who cannot pay need not pay,* the appropriate answer. (Emphasis added).
>
> House Report at 2.

In the Senate Report, the point is made even more explicitly that the school lunch program benefits *middle class and wealthy* children by making a lunch *available* at school, at a time when because of the increasing distances between schools and the increasing instance of working mothers, most children were unable to go home for lunch. The program also benefits such children by guaranteeing that the lunch they purchase at school will be fully nutritious. At the same time, the program benefits *poor* children by guaranteeing that such a nutritious lunch will be available free or at a reduced price that the child can afford:

> It is axiomatic that proper nutrition is essential for the health and well-being of a child and for his growth and development as a citizen. It is demonstrable that a child's educational progress is dependent on health. There are three conditions that prevent adequate nutrition. The first is ignorance of the elements of proper nutrition. This lack of nutrition is widespread, for the science of nutrition is of recent origin. Not only are children uninformed as to what they should eat, but their parents can give them little guidance. Much testimony has been adduced that the introduction of the school-lunch program has resulted in a marked and beneficial change in dietary habits, not only of the child, but of his parents.
>
> The second difficulty to proper nutrition in childhood is the difficulty encountered by the child in obtaining a proper lunch at school. Distances from home to school are increasing. The increase in the number of working mothers and the consolidation of schools, make even the best-intentioned efforts of parents insufficient. Without adequate facilities for a good lunch, the child will purchase one nutritionally unsatisfactory or definitely undesirable.
>
> The third condition is that large segments of our population have insufficient means to provide proper food. Studies indicate that this is true, even in times of

> general prosperity such as we are now experiencing. A large part of the population does not benefit by rising national income, being for various reasons held to a fixed income.
>
> *The school-lunch program democratically resolves all of these difficulties. The children eat a common, well-chosen meal together, and learn at the same time what they should eat. Those who cannot pay for the lunch need not pay and there is no discrimination attached to such nonpayment.* (Emphasis added.) Senate Report at 9.

There was never any concern expressed in Congress that the free and reduced price lunch program would divert subsidies away from children who paid the full price. To the contrary, there was a general belief in both Houses that it would be *wasteful* for federal funds to subsidize lunches of children who could afford the full cost.

> Rep. Hope. You think that those who can pay ought to pay a reasonable price for their lunch, do you not?
>
> Mr. (William T.) Cooper. Yes.
>
> Rep. Hope. You do not think we should subsidize any considerable portion of the food of people who are able to pay for it, do you? (House Hearings at 104.)
>
> Sen. Taft. In connection with these matters the primary interest of the Federal Government must be in helping those who cannot help themselves, that is, not in helping everyone in the States, but helping those who do not have enough income to help themselves. (92 Cong. Rec. 1623 (2/26/46.)
>
> Senator Russell. Both of these bills, of course, require State cooperation, but in a different manner. The evidence introduced yesterday would indicate $800.-000.000 [would be the cost of providing free lunches to all school children, rich and poor alike].
>
> Sen. Ellender. That is if we give them a free lunch.
>
> Sen. Russell. Right.
>
> Sen. Ellender. But the idea is to make those who are able to pay, pay; and I think the way it is being handled now, that is, to separate those who could pay as against those who can't, be continued by all means, and they be given only free lunches when actually unable to pay for them.
>
> Sen. Russell. Yes.
>
> Senate Hearings at 63.

That Congress intended that all needy children receive free or reduced cost lunches is clear from the legislative history, as has been shown, as well as from the language of Section 9 of the Act. The legislative history also makes it clear that Congress intended that the Act should stimulate the States and local school districts to contribute substantially to the program. The mechanism for bringing about state and local contribution was to be the three-for-one matching requirement.

> [The bill] also provides that the Federal grants shall be matched within the States at an increasingly higher ratio as school lunches become more firmly established. This provision aims to draw into the school-lunch programs maximum State and community resources, and it should give assurance that the State will more and more take over the burden of financing this program.
>
> Senate Report at 7.

The three-for-one matching requirement (three dollars "from sources within the State: for one federal dollar) was written into the statute, but it never had the hoped-for effect of stimulating State and local contributions, because school districts were permitted to count the funds paid by students for lunches as "sources within the State" to meet the matching requirement. Although Congress had anticipated that *some* of the matching would come from this source, it never anticipated that virtually all would do so. Indeed, Senator Taft *criticized* this aspect of the bill because there was no requirement that matching must come from State and local appropriations, and he foresaw that States and school districts would evade the matching requirement altogether. No member of either house ever defended the bill by suggesting that all or most of the matching might come from students' lunch money. To the contrary, the hearings, debates and reports make it clear that Congress fully expected substantial State and local appropriations and that this was one of the principal reasons for passing the National School Lunch Act.

Plaintiffs do not quarrel with the use of students' lunch money by the State of California and the Modesto School Board to meet the matching requirements of the Act. Although that use circumvents the expectation of Congress that matching would consist largely of appropriations, the State and the school board are unquestionably within the letter of the statute. But the school board cannot circumvent the Congressional expectation of local appropriations and at the same time escape the mandatory requirements of section 9 of the Act by arguing that Congress never expected the board to appropriate money.

The school board, ignoring the legislative history that demonstrates that Congress expected States and local appropriations to contribute substantially to the school lunch program, and ignoring the mandatory, unqualified language of Section 9, argues that Congress intended to limit Section 9 by not requiring the school district to spend any funds on free and reduced cost lunches beyond what the district receives from the Federal Government in "special assistance" funds plus what the district chooses to budget for that purpose. Since the district may choose to budget nothing for free and reduced cost lunches, the defendants' position is equivalent to the position that the district may limit its expenditures for free and reduced cost lunches to the small amount of "special assistance" funds it receives.

"Special assistance" funds are appropriated and disbursed pursuant to Section 11 of the National School Lunch Act. These funds are apportioned to school districts on the basis of need and are earmarked specifically for free and reduced cost lunches. The assertion of the defendant that when it passed Section 9 Congress intended the section to be limited by the amounts appropriated under Section 11 is totally without merit, since Section 11 was not enacted until 1962, sixteen years after the enactment of Section 9.

Since there was no "special assistance" provision when Section 9 was enacted as part of the Act, Congress *must* have intended that the free and reduced cost lunches required by Section 9 would be funded by appropriations from the States and local school districts, and/or that those lunches would be paid for out of the cash reimbursements and the fair market value of the commodities distributed to the school districts. Any other conclusion would make the free and reduced cost lunch requirement of Section 9 a nullity.

It has already been shown that the funding of free and reduced cost lunches from State and Local appropriations is entirely consistent with the expectations of Congress. The funding of such lunches from the Section 4 reimbursements and the fair market value of the commodities received by the school district is equally proper and equally consistent with Congressional intent.

Even thuogh the school board receives enough money and commodities to feed every needy child in the district, it contends that not one cent of the money which it receives under Section 4, nor one cent of the fair market value of the commodities which it receives under Section 32 and 416, may be used to purchase free lunches for the 3241 needy children in the district.

This contention has no support in the legislative history of the Act, in the regulations, or in the expressed policies of the United States Department of Agriculture or the California State Department of Education. On the contrary, there is ample support in both the regulations and in the statements of various officials who administer the school lunch program that a district may indeed use Section 4 money and the fair market value of commodities to provide free lunches to children who are unable to afford them.

James Hemphill, Supervisor of Food Services for the California Department of Education stated on deposition that a school board could use both Section 4 money and the fair market value of commodities to finance the free lunch program. (Deposition of James Hemphill, p. 10, 11. January 7, 1970.)

Howard Davis, Deputy Administrator, Food Nutrition Service, Department of Agriculture, stated on deposition that two million children across the United States were receiving free or reduced price lunches from Section 4 money. Deposition of Howard Davis, p. 40, November 18, 1969.

Regulation 210.11, 35 Fed. Register No. 13, Jan. 20, 1970, specifically authorizes the use of Section 4 reimbursements to finance the free lunch program even though this means a reduction in the subsidy to non-needy children. In Florida $3.4 million of the $6.1 which the State received in Section 4 money was used for economically needy pupils. Testimony of Thelma Flanagam, Former School Lunch Director of the State of Florida before the Committee on Education and Labor, U.S. Congress, House of Representatives, 90th Congress, Second Session, Hearings on HR 17144 p. 567, May 1968.

Finally, Congress was aware that under the Department of Agriculture's administration prior to the passage of the National School Lunch Act, school districts were using the Federal grants received under the administrative equivalent of Section 4 of the Act, to fund the free lunch program. E.g., testimony of

Frank O. Washman, Director of Lunchrooms, Board of Education, Chicago, Illinois, House Hearings at 69–70. Not a single member of either House intimated that there was anything objectionable about this use of the Federal grants, and the National School Lunch Act was regarded as approving and authorizing the program as it had been administered in the past by the Department of Agriculture.

Plaintiffs do not, of course, contend that the school board *must* use Section 4 moneys to finance the free lunch program. Rather, it is plaintiffs' contention, supported by both the regulations and the policy statements of the officials administering the Act, that a School District may use this money to finance the free lunch program if the District is unwilling to fund such a program in any other manner.

Philip Neumark.

Affidavit, State of California, County of Stanislaus

I, PHILIP NEUMARK, being first duly sworn, depose and say that:

I am the attorney for plaintiffs in the *Shaw* v. *Governing Board*, No. S–1336, which is presently being tried before the Honorable Thomas J. McBride of the United States District Court for the Eastern District of California. One of the issues in this case is whether the defendants Governing Board is and was denying free lunches to needy children who are unable to afford the price of a school lunch.

I have prepared a subpoena duces tecum to Clyde Hull, Supervisor of the free lunch program in the defendant district, requesting that he produce all school lunch applications received by his office during the 1968–1969 and 1969–1970 school year and all memoranda and other writings respecting the disposition of these applications. Said documents are material and necessary to the trial of this case in that said documents will show that needy children in the defendant district are being denied free lunches.

Philip Neumark.

Subscribed and sworn to me this 13th day of February, 1970.

Rita Escaraga.

Notary Public in and for the County of Stanislaus, State of California.

My Commission Expires: January 2, 1971.

Proof of Service by Mail—Affidavit, State of California, County of Stanislaus

Velma Hernandez, being sworn, says: That affiant is a citizen of the United States, over the age of 18, residing in the County of Stanislaus and is not a party to the above entitled action: that affiant's business address is: 405 "H" Street, Modesto, California; that on February 13, 1970, the affiant served the within Legislative History of the National School Lunch Act by placing a true copy thereof in an envelope addressed to each of the following at the addresses stated below, and by then sealing and depositing said envelopes, with postage thereon fully prepaid, in the United States mail at Modesto, California, where is located the office of the attorneys for the persons by and for whom said service was made. That there is delivery service by United States mail at the place so addressed and there is regular communication by mail between the place of mailing and the places so addressed:

Mr. Howard B. Pickard
Attorney, Department of Agriculture
Office of the General Counsel
United States Department of Agriculture
Washington, D.C.

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Mr. Richard W. Nichols
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Gary H. Baise, Special Asst. to the Asst.
Attorney General
Civil Division, Department of Justice
Washington, D.C. 20530
A. J. Shaw, Jr. Deputy County Counsel
County of Stanislaus 404 County Office Bldg.
P.O. Box 74
Modesto, California. 95353

VELMA HERNANDEZ.

Subscribed and sworn to before me this 13th day of February, 1970.

RITA ESCARCEGA,
Notary Public in and for the County of Stanislaus, State of California.

STATEMENT OF FACTS

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

(Civil Action No. S 1336)

BILLIE SHAW ET AL, PLAINTIFFS

v.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL, DEFENDANTS

STATEMENT OF FACTS

Since July 1, 1967 the Modesto School District has received substantial federal aid under the National School Lunch Program. As a condition of receiving this aid and "In order to carry out the purposes of the National School Lunch Act," the Board has contracted with the California Board of Education to: Supply lunches without cost or at a reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof.[1]

During the 1968–1969 school year there were 2941 AFDC (welfare) children in the District's schools and an additional group of equally poor children.[2] Despite the fact that the Board received $237,896.83 in federal aid under the National School Lunch Act,[3] the Board expended only $31,654.50 to benefit children unable to afford the full cost of a lunch.[4] Only 182 children per day received free lunches [5] even though the District received enough federal aid to feed 3537 children per day.[6]

After a review of the program including consultations with the Stanislaus County Welfare Department, the school staff at the July 21, 1969 School Board meeting,[7] proposed that the Board adopt the OEO poverty guidelines as an eligibility standard for free school lunches. The Board never at any time during the meeting questioned the accuracy of those guidelines as an indicator of families unable to afford the full cost of a lunch.[8] But because the Board was unwilling to pay for free lunches for the children who would be eligible under the staff's recommendations, the Board instructed the staff to formulate an eligibility standard that would restrict participation to no more than four hundred children per day.[9]

During the current school year the District is receiving massive federal subsidies under the National School Lunch Act at approximately the same rate as last year. ($237,000.)[10] Nevertheless the Board proposes that all but a small percentage of the children be excluded from the free lunch program this year.

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[1] Stipulation No. 3 and plaintiff's exhibits and affidavits P. 3 Counsel for the School Board has stipulated to the genuineness of all documents contained in plaintiff's exhibits and affidavits and supplemental exhibits and affidavits.

[2] Stipulation No. 4.

[3] Stipulation No. 1.

[4] Affidavit of Bert C. Corona attached to School Board's memorandum in opposition to application for preliminary injunction.

[5] Stipulation No. 5.

[6] Stipulation No. 2.

[7] Tape of July 21, 1969 School Board meeting. Counsel for the School Board has stipulated that a copy of this tape will be admitted into evidence. See also pp. 25–33, 38–40 of the depositions of Dr. Bert C. Corona. Counsel for the School Board has stipulated that all depositions taken in this case are deemed admitted into evidence.

[8] Tape July 21, 1969 School Board meeting, passim.

[9] Ibid.; see also partial transcript of July 21, 1969 meeting contained in plaintiffs' supplemental exhibits and affidavits p. 7.

The School Board, at its meeting of August 25, 1969, adopted an eligibility standard that would make eligible only those children who came from families with incomes less than eight per cent of the O.E.O. poverty guidelines.[11] The sole reason for drawing the eligibility line at eighty per cent rather than at one hundred per cent of the O.E.O. guidelines was to limit expenditures by denying free lunches to all but four hundred needy children.[12] The Board made it clear that the eighty per cent figure would be adjusted upwards or downwards in order to keep the level of participation at four hundred children per day.[13]

Notwithstanding the consistent failure of the Modesto School Board to comply with the National School Lunch Act, at no time prior to the filing of this lawsuit did any representative of the State of California or the United States Department of Agriculture take any action to protect the hungry children whose rights under the National School Lunch Act were being violated.

Respectfully submitted.

By GENE LIVINGSTON,
Attorneys for Plaintiffs.

PROOF OF SERVICE

I, the undersigned, hereby state: That I was, at the time of the service of the papers herein referred to, over the age of eighteen years and not a party to the within entitled action; I served the within Statement of Fact on the defendants herein by delivering to and leaving with their attorneys, as set forth below, copies of said document on January 21, 1970:

John Christensen, Deputy County Counsel
County of Stanislaus
Courthouse
Modesto, California

Richard Mayers, Assistant State Attorney General
State of California
Wells Fargo Bank Building
Sacramento, California

Richard Nichols, Assistant United States Attorney
Federal Building
Sacramento, California

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on January 21, 1970, at Sacramento, California.

PHILIP DINDIA.

AFFIDAVIT—E. HERMAN

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

(Civil Action No. S–1336)

BILLIE SHAW, ET AL., PLAINTIFF,

v.

GOVERNING BOARD OF THE MODESTO CITY HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS

AFFIDAVIT, DISTRICT OF COLUMBIA, WASHINGTON, D.C.

Edward J. Hekman, being first duly sworn on oath, deposes and says that:

1. I am the Administrator of the Food and Nutrition Service of the United States Department of Agriculture. In that capacity, I have responsibility for the administration of the National School Lunch Program and other consumer food programs of the Department of Agriculture.

2. The National School Lunch Act, as amended, 42 U.S.C. 1751–1760 (hereinafter called the Act), authorizes a program of Federal assistance to the States, through grants-in-aid and other means, in providing for the establishment, mainte-

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[10] Stipulation No. 7.

[11] Affidavit of Bert C. Corona, op. cit., at 2; School Board's Memorandum Prior to Trial, at 2.

[12] Transcript of August 25 School Board meeting, at 97–98.

[13] Ibid.

nance, operation, and expansion of non-profit school lunch programs. Since amendment of the Act in 1962 there have been two phases of grants-in-aid—a general cash-for-food assistance phase and a special cash-for-food assistance phase. Sections 4 through 10 of the Act set forth the provisions applicable to general food assistance, and section 11 sets forth the provisions for special food assistance. Funds for the operation of the National School Lunch Program are appropriated annually and are apportioned to the States according to formulas contained in sections 4 and 11 of the Act. The Department has no discretion with respect to the apportionment of funds among the States. Section 4 of the Act provides that the apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. Apportionments under section 11 are also on the basis of two factors: (1) the number of free or reduced-price lunches served in the preceding fiscal year, and (2) the assistance need rate. As defined in the Act, "participation rate" is a number equal to the number of lunches served in the preceding fiscal year by schools participating in the National School Lunch Program in the State. The Act prescribes the method of calculating the "assistance need rate" on the basis of the average annual per capita income in the State. The States, in turn, disburse the funds to non-profit schools of the State which participate in the program, for the purpose of assisting such schools in supplying foods for consumption by children by reimbursing them for a portion of the cost of obtaining such foods. Regulations governing the operation of the program are published in 7 CRF Part 210, and are incorporated in agreements between the Department of Agriculture and State educational agencies.

3. Section 7 of the Act provides that payments to the States from funds apportioned under section 4 shall be made upon condition that each dollar will be matched by three dollars from sources within the State determined by the Secretary to have been expended in connection with the school lunch program under the Act. The matching requirement for any State whose per capita income is less than the per capita income of the United States is reduced accordingly. The Secretary's regulations with respect to the National School Lunch Program (7 CFR § 210.6(b)) provide that funds from sources within the State shall include: (1) administrative and other funds expended for the program within the State, either from children's payments for lunches or from any other sources of State or local funds, except funds expended for land or buildings, and (2) the value of commodities, services, supplies, facilities, and equipment donated to the program, except commodities donated by the Department of Agriculture and lands or buildings used in connection with the program.

4. Section 6 of the Act authorizes the Department to utilize a portion of the funds appropriated for the Act to purchase foods for distribution among the States and schools participating in the program. Schools operating lunch programs under the Act are also eligible to receive donated agricultural commodities and other foods under authority of Section 32 of Public Law 320, 74th Congress (7 U.S.C. 612c), section 9 of the National School Lunch Act, and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431). The foods are donated by the Department of State agencies, which then distribute the foods pursuant to agreements between the State agencies and the Department of Agriculture. Such agreements incorporate the provisions of the Department regulations (7 CFR Part 250). The Department urges the States to distribute extra amounts of Federally-donated foods to the needier schools.

5. The Act places responsibility for the administration of the National School Lunch Program in public schools in the State educational agencies. They select schools for participation, establish cash reimbursement rates within the maximum rates prescribed by the Department, pay the claims of schools for reimbursement from funds apportioned to the States by the Department, and generally supervise operations of the local schools under the National School Lunch Program. Section 8 of the Act provides that funds paid to a State pursuant to section 4 shall be disbursed by the State educational agency "to those schools in the State *which the State educational agency*, taking into account need and attendance, *determines who are eligible to participate in the school-lunch program.*" (Emphasis supplied.)

6. Section 9 of the Act provides that "[l]unches served by schools participating in the school-lunch program under this Act . . . shall be served without cost or at a reduced cost to children *who are determined by local school authorities* to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay." (Emphasis supplied).

7. Section 11 of the Act authorizes an appropriation to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, "for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches." Section 11 provides that "[*t*]*he selection of schools and the amounts of funds that each shall from time to time receive* (within a maximum per lunch amount established by the Secretary for all the States) *shall be determined by the State educational agency* on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools." (Emphasis supplied.) Funds paid to the States pursuant to section 11 are not required to be matched by the States.

8. A total of $242,799,000 was made available by the 1969 Department of Agriculture Appropriation Act for carrying out the National School Lunch Act and the Child Nutrition Act in fiscal year 1969. The 1970 Department of Agriculture Appropriation bill, as passed by the House of Representatives and the Senate and awaiting conference committee action, would make available a total of $311,766,000 for the National School Lunch Act and the Child Nutrition Act in fiscal year 1970. Of this sum, $44,800,000 is for apportionment among the States under section 11 of the Act for use by the State educational agencies for special assistance to schools drawing attendance from areas in which poor economic conditions exist, and $10,000,000 is for apportionment among the States for use by the State educational agencies for nonfood assistance (equipment) under the Child Nutrition Act in schools drawing attendance from poor areas and which have inadequate equipment to conduct a school food service program. It is presently estimated that $168,041,000 of the 1970 appropriation will be apportioned among the States under section 4 of the National School Lunch Act and that $64,325,000 will be utilized for the purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the Act.

9. The 1969 Department of Agriculture Appropriation Act authorized, in addition, the use of $45 million of funds available under Section 32 of Public Law 320, 74th Congress, and (a) child feeding programs and nutritional programs authorized by the National School Lunch Act and the Child Nutrition Act and (b) additional direct distribution or other programs to provide an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering from hunger resulting from insufficient food. The Department allocated $43 million of such supplemental funds to the States under clause (a) to enable them to provide for feeding more needy children (33 F.R. 15735). In addition, $1 million was allocated for State administrative expenses relating to child feeding programs, and the remaining $1 million was allocated for the purposes of clause (b). In view of the availability of these additional funds and the increased cost of food, the Department in December 1968, amended the school lunch regulations to authorize an increase in the maximum reimbursement rate to 34 cents for the lunches served free or at a substantially reduced price to needy children (33 F.R. 18006). The actual rates of reimbursement depend upon the amount of funds available to the State agencies. It is estimated that the national average of the actual rates of reimbursement for such lunches served to needy children is approximately 23 cents per meal. This contrasts with the estimated national average of the actual rates of reimbursement from general food assistance funds under section 4 of the National School Lunch Act for meals served to paying children of approximately 4.8 cents per meal. In addition to the cash reimbursement funds, the value of the food commodities donated by the Department and distributed to schools participating in the National School Lunch Program averages approximately nine cents per meal.

10. The Department of Agriculture Appropriation bill for 1970, as passed by the House of Representatives and the Senate and awaiting conference committee action, would authorize the use in fiscal year 1970 of $100 million of Section 32 funds, compared with $45 million made available in fiscal year 1969, for (a) child feeding programs and nutritional programs authorized by the National School Lunch Act and the Child Nutrition Act, (b) additional direct distribution or other programs for other needy children and low-income persons, and (c) milk for children in schools and other nonprofit institutions. It is presently planned to

use in fiscal year 1970 approximately $89 million (including $2 million for State administrative expenses) of the $100 million supplemental funds from Section 32 for child feeding and nutritional programs under the National School Lunch Act and the Child Nutrition Act. These supplemental funds will enable local school authorities to serve lunches at free or reduced prices to a substantially greater number of needy children in the school year 1969–70 than in the school year 1968–69.

11. The State of California received for the fiscal year 1969, and, according to present estimates, will receive for the fiscal year 1970, from Federal funds made available for use in the National School Lunch Program, approximately the following amounts of money (not including the value of donated commodities):

	Fiscal year 1969	Fiscal year 1970
Sec. 4 appropriation	$6,169,000	$6,397,000
Sec. 11 appropriation	253,000	1,137,000
Sec. 32 supplemental funds	2,434,000	3,793,000
Total	8,856,000	11,327,000

12. Since the enactment of the Act in 1946, the Department's agreements with State educational agencies and regulations have required that the State agency agreement with schools shall provide that the school shall supply lunches without cost or at a reduced price to all children determined by local school authorities to be unable to pay the full price thereof and shall make no discrimination against any child because of his inability to pay the full price of the lunch (7 CFR 210.8(d) (5) and (6)).

13. The current regulations of the Department contain the following additional provisions (33 F.R. 15631):

§ 210.8 Requirements for [school] participation.

* * * * * * *

(a-1) Each school participating in the Program shall develop a policy statement covering the criteria used in the attendance units under its jurisdiction in determining the eligibility of children for a free or reduced price lunch. Such statement shall include a plan for collecting payments from paying children and accounting for free or reduced price lunches which will protect the anonymity of the children receiving free or reduced price lunches in order that such children shall not be identified as such to their peers. As a minimum, such criteria shall include the level of family income (including welfare grants), the number in the family unit, and the number of children in the family in attendance. Such policy statement shall be written, publicly announced and applied equitably to the children in all such attendance units.

§ 210.13 Special responsibilities of State Agencies.

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(a–1) *Free or reduced price lunch policy statement.*—Each State Agency, or CFPDO where applicable, shall require each school participating in the Program to develop and file for review a written policy statement covering criteria used in the attendance units under its jurisdiction to determine the eligibility of children for a free or reduced price lunch, and covering a plan of collecting payments from paying children and accounting for free or reduced price lunches which will protect the anonymity of the children receiving free or reduced price lunches. Each State Agency, or CFPDO where applicable, shall be responsible for reviewing the content of, and monitoring performance under such policy statement, consonant with the requirements issued by the Secretary on this subject.

14. The Department published regulations on October 23, 1968 (33 F.R. 15674), which set forth responsibilities, outline procedural steps, and provide guidance for the development of substantive criteria by schools to determine eligibility for free and reduced-price meals and to assure that there is no physical segregation or other discrimination against children because of their inability to pay the full price for meals. These regulations provide that "it is the responsibility of schools . . . participating in the National School Lunch Program . . . to determine the individual children who are to receive free or reduced price lunches . . . State agencies charged with administering these programs are responsible for

assuring that the local schools . . . are discharging the responsibilities placed on them."

15. The regulations published on October 23, 1968, provide that the State educational agency shall inform schools of their responsibility to:

a. Develop a written policy stating the criteria to be used uniformly in all attendance units under their jurisdiction in determining the eligibility of children for free or reduced price meals.

* * * * * * *

c. Include in their policy statements, criteria which will give consideration to economic need as reflected by family income, including welware payments, family size, and number of children in the family in attendance units.

* * * * * * *

e. Include in their procedures a provision for appeal from decisions in individual cases.

State agencies are required to:

3. Obtain assurance from schools . . . that the names of children determined to be eligible for free or reduced price meals will not be published, posted or announced in any manner to other children, and that such children will not be required, as a condition of receiving such meals, to:

a. Use a separate lunchroom.
b. Go through a separate serving line.
c. Enter the lunchroom through a separate entrance.
d. Eat lunch at a different time from paying children.
e. Work for their meal.
f. Use a different medium of exchange in the lunchroom than paying children use.
g. Eat a different meal than paying children.

State educational agencies are charged with the duty to:

5. Monitor performance of schools . . . through administrative reviews, special on-site evaluation and other means to assure that determinations are being made in accordance with announced policies and to assure that overt identification of any child receiving free or reduced price meals is avoided.

16. The regulations suggest that State educational agencies, in providing guidance and counsel to schools in developing and implementing policy statements:

3. Recommend that schools and service institutions consult with welfare agencies concerning eligibility scales for public assistance in the local area and information on families participating in any of the local welfare programs. This will minimize additional developmental work and assure greater coordination and understanding within the community. A broad range of public opinion exists which generally considers families are in need of food assistance if they are at income levels that qualify them for various forms of economic assistance such as "welfare" programs. Therefore, free or reduced price meals should be provided to children from any family certified as eligible for assistance under the Food Stamp Program or the Commodity Distribution Program and children from families participating in any of the various programs of public assistance such as Aid for Dependent Children, as well as families determined to be eligible under local standards related to local conditions.

In determining the eligibility of children from such families for free or reduced price meals, the work of local officials will be minimized by accepting, as evidence of family income, the fact of participation in and the eligibility standard for such programs. The eligibility of specific children for free versus reduced price meals could then be readily determined from the family income and family size scales adopted by the schools and service institutions.

17. The State of California Department of Education, on November 22, 1968, issued Bulletin SL 3-69 to which were attached guidelines to schools. A copy of these publications was furnished to the Department of Agriculture. In the guidelines, it is stated that all pupils who are determined by school district authorities to be in need of free or reduced-price meals shall be furnished them; that there shall be no discrimination in the furnishing of free or reduced-price meals because of race, religion, source of family income, or for any other reason; that the anonymity of the pupils receiving free and reduced price meals shall be protected, and that there shall be provision for appeal from decisions in individual cases. The State guidelines further provide that consideration must be given to the following principles: First, the importance of meeting emergency situations; second, the importance of an objective standard of need; and third, the importance of giving priority to the neediest families.

18. The State of California Department of Education (the State educational agency) entered into a Federal-State National School Lunch Act and Child Nutrition Act Agreement with the United States Department of Agriculture on July 31, 1969, which superseded the previous agreement entered into on July 25, 1968. In the agreement, the State agency agrees that it will be responsible for the operation of the National School Lunch Program in public and nonprofit schools in the State of California and that it will accept Federal funds made available to carry out the National School Lunch Program and expend them in accordance with the applicable regulations of the Secretary. A true and correct copy of the Agreement of July 31, 1969, is attached hereto and made a part hereof as Exhibit A.

19. The Modesto City Schools executed Amendment No. 2 to its School Lunch Program Agreement with the State Department of Education on January 23, 1969, and on the same date furnished the State Department of Education with the Policy Statement and Administrative Rules and Regulations to the furnishing of free lunches to needy children in the Modesto City Schools, which had been approved by the Modesto City Board of Education on January 20, 1969. The Amendment No. 2 provided that the Modesto City Schools would supply lunches without cost or at reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof, and would have on file and publicly announce written policies and procedures for this purpose. The amendment stated minimum requirements for such policies and procedures, including a provision for appeal from decisions in individual cases. A true and correct copy of such Amendment No. 2 is attached hereto and made a part hereof as Exhibit B.

20. The Policy Statement and Administrative Rules and Regulations approved by the Modesto City Board of Education on January 20, 1969, designate in specific positions to act as a screening committee for granting free lunches and state the standards of eligibility for lunches served free or at reduced rates based on the financial circumstances of the family of the student or its inability to supply the student with lunch. The right is given to the parents of a student whose request for a free lunch or reduced price lunch is denied to appeal to the Superintendent's Executive Council and finally to the Board of Education. A true and correct copy of this Policy Statement and Administrative Rules and Regulations is attached and made a part hereof as Exhibit C.

The State Department of Education informed the Superintendent of the Modesto City Schools by letter dated March 13, 1969, that the United States Department of Agriculture insisted that board policy statements regarding free or reduced-price meals for needy students be speeled out in detail and that the policy statement of the Modesto City Schools did not meet the requirements of the Department of Agriculture in certain respects. A true and correct copy of such letter of March 13, 1969, is attached hereto and made a part hereof as Exhibit D.

The Superintendent of the Modesto City Schools informed the State Department of Education by letter dated March 28, 1969, that the policy of the Modesto City Schools had been amended to provide that: When lack of funds or other reasons made it impossible to meet all requests for free or reduced-price meals, priority shall be given to pupils from families whose income is lowest on the scale regardless of source of income. The social welfare scale for potential applicants shall be used as a guide. The anonymity of pupils entitled to free or reduced-price meals shall be preserved by issuing to them meal tickets or charge slips identical to those issued to all pupils except for coding which can be identified only by authorized personnel. Wherever possible and practicable, needy pupils shall be provided an opportunity, but without any requirement, to earn their meals. A true and correct copy of such letter of March 28, 1969, is attached hereto and made a part hereof as Exhibit E.

21. On information and belief, the Policy Statement and Administrative Rules and Regulations described in paragraph 20 of this Affidavit, and attached hereto as Exhibits C and E, are the currently effective statement of policy issued by the School Board for the Modesto City Schools pursuant to the regulations published by the Department of Agriculture on October 23, 1968, relating to the responsibilities, procedural steps, and substantive criteria for use in determining the eligibility of students for free or reduced-price lunches in the Modesto City Schools. This policy statement has been reviewed and approved by the State Department of Education as meeting the requirements of such regulations. On information and belief, no other or different policy statement pursuant to such regulations (including, but not limited to the policy statement which the Complaint alleges was approved on August 25, 1969, by the School Board of the

Modesto City Schools) has been finally approved by the School Board of the Modesto City Schools or submitted to the California State Department of Education for review pursuant to the regulations of the Department of Agriculture.

22. The Department of Agriculture, through the grant-in-aid assistance program authorized by the Act and within the limitation of the funds appropriated by Congress to carry out such program, has been making steady progress toward accomplishment of its goal of making a nutritionally-adequate lunch available to all children attending schools of high school grade or under and free or reduced-price lunches available to all such children who are unable to pay the full price thereof. When the Act was being considered in 1945 for enactment by Congress, it was estimated that about 30,000 schools serving 4,000,000 children, of the 222,000 public and private schools in the United States serving a total of 26,000,000 children—or about one-seventh of the schools and one-sixth of the children—were receiving the benefits of school lunch grants-in-aid from the Federal Government pursuant to annual appropriations theretofore made to the Department of Agriculture. The funds authorized by the then-proposed Act were considered as only stimulative and developmental in purpose and not as shifting to the Federal Government the burden of feeding children (Senate Report No. 553, 79th Congress, 1st Session, July 28, 1945, page 4). By March 1969, lunches under the National School Lunch Program were being made available to almost three-fourths of the more than 47 million children in average daily attendance in schools of high school grade and under.

23. The Department of Agriculture is continuing to work toward the goal, through Federal assistance to States and schools under the National School Lunch Act, of nutritious lunches being made available to every child attending a school of high school grade or under. An integral part of this goal is the furnishing of lunches free or at reduced cost to students who are determined by the local school authorities, on a reasonable and fair basis, to be financially unable to pay the regular cost of the lunch to paying children. Another integral part of this goal is that the prices charged to children who are able to pay for their lunches will be at a reasonable level so as to encourage maximum participation in the National School Lunch Program. As provided in the Act, the administration of the National School Lunch Program in all public schools is required to be conducted through the respective State educational agencies, and the Department of Agriculture has no authority to contract with, or disburse funds directly to, such schools. Therefore, the only power of the Department of Agriculture to enforce compliance by the local schools with the requirements of the Act, pertinent agreements, and regulations of the Department is to request the State educational agency to terminate an agreement with a specific local school, and to terminate assistance from Federal funds to such school, or to terminate the agreement of the Department of Agriculture with the State educational agency and terminate any further payments from Federal funds to such State agency.

Edward J. Hekman,

Subscribed and sworn to before me, this 19th day of September, 1969.

Donnetta S. Dorsey,
Notary Public, District of Columbia.

My Commission Expires April 30, 1974.

FEDERAL-STATE NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT AGREEMENT—STATE OF CALIFORNIA, DEPARTMENT OF EDUCATION—JULY 31, 1969

In order to effectuate the purpose of the National School Lunch Act, as amended (42 U.S.C. 1751), and the Child Nutrition Act, as amended, hereinafter referred to as the "Department," and the State Agency (item 1 above) agree as follows:

The Depart agrees to make funds available to the State Agency for the programs operated by it, as designated below, in accordance with whichever of the following Regulations are applicable to such programs: National School Lunch Program Regulations (7 CFR Part 210), Special Milk Program Regulations (7 CFR Part 215), School Breakfast and Nonfood Assistance Programs and State Administrative Expenses Regulations (7 CFR Part 220), and the Special Food Service Program for Children Regulations (7 CFR Part 225), and any amendments thereto, and State administrative expenses in conducting certain of such programs, in such amounts as are authorized in approved applications, in accordance with the State administrative expense portion of the School Breakfast and

Non-food Assistance Programs and State Administrative Expenses Regulations, and any amendments thereto. The State Agency agrees to accept Federal funds for expenditure in accordance with the applicable Regulations and any amendments thereto, and to comply with all the provisions of such Regulations and amendments thereto.

Copies of the applicable current Regulations are attached hereto and made a part hereof. Each of these Regulations provides that prior notice of any amendment shall be given in writing to the State Agency. In the event of a proposed amendment of any applicable Regulation, if the State Agency gives to the Department, prior to the effective date of the amendment, written notice of its determination to discontinue operation of any program conducted thereunder, or of activities for which administrative expenses are available, this Agreement shall be terminated as to such program or activities as of the effective date of the amendment.

The State Agency agrees that it will be responsible for the operation of the following programs: (*Place x in applicable box(es) to designate the programs.*)

Program and act	Public schools only	Public and nonprofit private schools	Public and nonprofit private schools and child-care/service institutions	Public schools and child-care/service institutions	Public schools and child-care/service institutions (nonsectarian only)	Child-care/service institutions only
National school lunch program (NSLA)		XX				
Special milk program (CNA)		XX	XX			
School breakfast program and nonfood assistance program (CNA)		XX				
Special food service program for children (NSLA)						XX

This Agreement shall be effective commencing on the date specified (item 3 above) and ending the following June 30 (the end of the Federal fiscal year) unless terminated earlier as provided herein. The Department may renew this Agreement for each fiscal year thereafter, by notice in writing given to the State Agency as soon as practicable after funds have been appropriated by Congress for carrying out any of the purposes of the National School Lunch Act and of the Child Nutrition Act during each such fiscal year. In any event, however, either party hereto may, by giving at least thirty days' written notice, terminate this Agreement.

Upon termination or expiration of this Agreement, as provided herein, the State Agency shall make no further disbursement of funds paid to the State Agency in accordance with this Agreement except to reimburse eligible participants in connection with breakfasts, lunches, suppers, supplemental meals, or milk served or equipment purchased or obligated for or to meet State administrative expenses incurred on or prior to the termination or expiration date, notwithstanding any termination or expiration of this Agreement, and the State Agency shall promptly return all remaining funds made available to it by the Department. The obligations of the State Agency under sections 210.13, 210.14, 210.15, 210.16 and 210.18 of the National School Lunch Program Regulations, sections 215.11, 215.12, 215.13 and 215.15 of the Special Milk Program Regulations and sections 220.24, 220.25, 220.26 and 220.28 of the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses Regulations and Sections 225.17, 225.18, 225.19 and 225.21 of the Special Food Service Program for Children Regulations shall continue until the requirements thereof have been fully performed.

NONDISCRIMINATION CLAUSE

The State Agency assures the Department that the programs and activities administered hereunder will be conducted in compliance with all requirements imposed by or pursuant to the Civil Rights Act of 1964 and the nondiscrimination regulations of the Department issued thereunder (7 CRF Part 15), including any amendments thereto which may be made after the date of this Agreement. Further, the State Agency shall adopt such methods of administration as will give reasonable assurances that schools and child-care and service institutions will comply with such requirements, and will permit their participation in such programs only if like assurance to this is provided to it by such schools and child-care and service institutions. The State Agency shall be obligated hereunder for the period during which Federal financial assistance is extended to it by the Department pursuant to this Agreement. The State Agency recognizes and agrees that Federal financial assistance will be extended in reliance on this assurance and that the United States shall have right to seek judicial enforcement of this assurance.

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

During the performance of this Agreement insofar as it relates to State administrative expenses, the State Agency agrees that: (1) the State Agency will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The State Agency will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The State Agency agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Department setting forth the provisions of this nondiscrimination clause. (2) The State Agency will, in all solicitations or advertisements for employees placed by or on behalf of the State Agency, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin. (3) The State Agency will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Department, advising the labor union or workers' representative of the State Agency's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. (4) The State Agency will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor. (5) The State Agency will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders. (6) In the event of the State Agency's noncompliance with the nondiscrimination clauses of this Agreement or with any of such rules, regulations or orders, this Agreement as it relates to State administrative expenses may be cancelled, terminated or suspended in whole or in part and the State Agency may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law. (7) The State Agency will include the provisions of items (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The State Agency will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the State Agency becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department, the State Agency may request the United States to enter into such litigation to protect the interests of the United States.

Under applicable regulations the Equal Employment Opportunity clause is not applicable to any Agency of the State which does not participate in work on or under this Agreement insofar as it relates to State administrative expenses.

NONSEGREGATED FACILITIES CLAUSE

The State Agency certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The State Agency agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause of this Agreement. As used in this certification, the term "segregated facilities" means any waiting room, work areas, rest rooms, and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color or national origin, because of habit, local custom, or otherwise. The State Agency further agrees that (except where it has obtained identical certification from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Employment Opportunity clause; that it will retain such certifications in its files; and that it will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967), on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

NOTE: The penalty for making false statements is prescribed in 18 U.S.C. 1001.

MEMBER-DELEGATE CLAUSE

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

RAY H. JOHNSON,
Associate Superintendent of Public Instruction.
CHARLES M. ERNST,
Director, Western District.

SCHOOL LUNCH PROGRAM AGREEMENT AMENDMENT No. 2

The school lunch program agreement made and entered into by and between Modesto City Schools and the California State Department of Education is hereby amended as follows (italic indicates changes):

5. Supervision.—(c) Supply lunches without cost or at reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof, *and have on file written policies and procedures for this purpose and publicly announce to the patrons of the attendance units and place into effect the policy on eligibility for free and reduced-price meals. As a minimum these policies and procedures shall:*

(i) *Include a clear indication of these officials delegated authority or designated to determine which individual pupils are eligible for free or reduced-price meals under the established policy criteria.*

(ii) *Include criteria which will give consideration to economic need as reflected by family income, including welfare payments, family size, and number of children in the family.*

(iii) *Outline the procedural steps to be followed by designated officials in making the individual determinations and in providing the free or reduced-price meals in a manner to avoid overt identification to their peers of pupils receiving such meals.*

(iv) *Provide that the names of pupils determined to be eligible for free or reduced-price meals will not be published, posted, or announced in any manner to other children and that such pupils will not be required. AS A CONDITION OF RECEIVING SUCH MEALS, to: use a separate lunchroom; go* *through a separate serving line; enter the lunchroom through a separate entrance; eat lunch at a different time from paying pupils; work for their meals; use a different medium of exchange in the lunchroom than used by paying pupils; or eat a different meal than paying pupils.*

(v) *Include a provision for appeal from decisions in individual cases.*

(vi) *Provide for a system of collecting payments from paying pupils and accounting for free or reduced-price meals in a manner which will protect the anonymity of the pupils receiving free or reduced-price meals in the lunchroom, classroom, or other environ of the attendance unit.*

JAMES M. HEMPHILL,
Assistant Superintendent, Business Services.
RICHARD BLEDSO,
Supervisor, Food Services.

ADMINISTRATIVE RULES & REGULATIONS—(BOARD OF EDUCATION APPROVAL: MONDAY, JANUARY 20, 1969)

AR 8210 Free Lunch Program.—Careful investigation shall precede the granting of free lunches to needy students. The granting of free lunches shall be done by committee action.

The screening committee for granting free lunches shall consist of at least two of the following people:

1. The building principal or his representative.
2. The Supervisor of Attendance or Assistant Supervisor of Attendance of the elementary district, or if high school, the Supervisor of Attendance at the high school.
3. The school nurse.
4. The school P.T.A. Welfare Chairman or her representative.

A written record shall be kept by the principal of each investigation and the committee action.

When free lunches are granted a definite time limit shall be set for review and re-investigation of eligibility.

The policy and rules and regulations of the Board of Education shall be given public announcement within the District. In accordance with the interpretation of the County Counsel of Stanislaus County, such announcement shall consist of the public discussion of the Board's policy and rules and regulations pertaining to the free lunch program at open board of education meetings. Such official announcement may be amplified by the local newspaper reporter in attendance at meetings.

Standards of Eligibility.—Students who attend school may qualify for free lunches under the following or similar circumstances:

1. A student whose family is receiving aid from the County Welfare Department shall not be precluded from eligibility nor guaranteed eligibility as a result of such aid.
2. The family is unable to provide an adequate sack lunch, pay for a school lunch, or have adequate food for the student's lunch at home.
3. The family is unable to provide an adequate sack lunch, pay for a school lunch, and the student is unable to go home for lunch due to problems of transportation.

Free lunches may be granted during investigation on a day to day basis. Students may be granted free lunches upon the recommendations or suggestions of law enforcement agencies or the County Welfare Department.

Establishment of Need.—When there is reason to believe that a student may be in need of lunch or additional nourishment, the principal of the school shall initiate an investigation to establish the facts. The family's financial circumstances shall be ascertained and the approximate length of time the student will be in need of free lunches.

The status of the student's family with the Stanislaus County Welfare Department shall be ascertained by a member of the screening committee.

Upon completion of the investigation at least two members of the screening committee shall review the findings and render a decision.

When a family circumstance fluctuates, the committee may grant free lunches for those days that a student is without a lunch.

When the family is able to pay a portion of the cost, the committee may grant partial free lunches—the differential of what the family can pay and what the cost may be.

Referral to Other Agencies.—Students who are not eligible for free lunches but who do not receive adequate nourishment due to extenuating circumstances or family mismanagement should be referred to the Supervisor of Attendance and Child Welfare who may in turn refer the case to the proper agency.

Appeals.—Any parent of a student who has requested free lunch privileges for such student through the procedures set forth in these rules and regulations and has been denied such request may make an appeal for consideration to the Superintendent's Executive Council. If this appeal is denied, the parent shall have the right to make final appeal directly to the Board of Education.

Finance.—The intention is to provide funds for free lunches from the Cafeteria Fund or from the General Fund. When such funds are appropriated, the following procedure shall be used:

The principal of the school, together with the cafeteria manager, shall keep a record of the free lunches served. At the close of each calendar month the manager shall send a statement of the number of free lunches for the month to the Supervisor of Cafeterias.

When the district is unable to provide funds for free lunches, the P.T.A. Council will be so advised. The P.T.A. Council may undertake to provide for free lunches. When free lunches are to be provided by the P.T.A. Council, the following procedure shall be used:

The principal of the school, together with the cafeteria manager, shall keep a record of the free lunches served and at the close of each calendar month the managers shall send a statement of the cost of the lunches to the Supervisor of Cafeterias. The Supervisor of Cafeterias shall combine these reports into one statement and send it to the P.T.A. Council Welfare Chairman for payment to the Cafeteria Fund.

AGREEMENT NO. 989

MARCH 13, 1969.

Mr. BERT C. CORONA,
Superintendent, Modesto City Schools,
Modesto, Calif.

DEAR MR. CORONA: In reply to your letter of March 7 the U.S. Department of Agriculture has insisted that board policy statements regarding free or reduced-price meals for needy pupils be spelled out in detail. While I do not agree with this requirement I have no alternative but to comply.

Your policy statement does not meet Department of Agriculture requirements in the following respects:

1. What income scale is used as a guide in determining pupils eligible for free or reduced-price meals? See I–G–2 of the suggested policy statement, copy attached.

2. How will the anonymity of pupils receiving free meals be protected? See II–E.

3. Pupils shall not be *required* to work for their meals as a *condition of receiving them. See I–B.*

A clarification of your existing board policy relating to the item listed above will be appreciated. A letter will suffice.

Sincerely yours,

JAMES M. HEMPHILL,
Supervisor, Food Services.

MODESTO CITY SCHOOLS,
Modesto, Calif., March 28, 1969.

STATE DEPARTMENT OF EDUCATION,
Sacramento, Calif.

Attention: Mr. James M. Hemphill, supervisor, Food Services.
Subject: Amendment to District Free Meals for Needy Student Policy—Agreement No. 989.

DEAR MR. HEMPHILL: Pursuant to your letter of March 13, 1969, the Board of Education is amending its policy regarding free meals to needy pupils in order to comply with the requirements of the U.S. Department of Agriculture. We find that in checking we have actually been following these procedures, although it is correct that they were not spelled out in their entirety in our policy.

The policy is being amended to include the following provisions:

(1) "When lack of funds or other reasons make it impossible to meet all requests for free or reduced price meals from pupils of low income families, priority

shall be given to those pupils from families whose income is lowest on the scale regardless of source of income. The social welfare scale for potential applicants shall be used as a guide."

(2) "The Board's policy providing for anonymity of pupils shall be expanded to include the following:

(a) For those pupils who are entitled to free meals or reduced price meals on a short term or temporary basis, a charge slip shall be issued to the non-paying student with coding which can be identified only by authorized personnel.

(b) Those students not eligible for free lunch or who have lost or forgotten their meal money, are issued a charge slip identical, except for coding, to that issued to nonpaying pupils.

(c) For those pupils eligible for free meals or reduced price meals, a weekly meal ticket shall be issued which is identical to the weekly meal ticket made available to all pupils. If necessary, the tickets issued to non-paying pupils may be coded by a code which can be identified only by authorized personnel."

(3) "Wherever possible and practicable, needy pupils shall be provided an opportunity to earn their meals. However, assignments shall be appropriate for the age and sex of each pupil, shall not exceed one-half hour each day, and shall in no case be a condition for receiving such meals."

We trust that these modifications of our policy will fully comply with all regulations and requirements.

Very sincerely yours,

BERT C. CORONA, *Superintendent.*

SUPPLEMENTAL EXHIBITS—AFFIDAVITS—RUSSELL LETTER

T. W. Martz, county counsel, Jonathan H. Rowell, assistant county counsel, A. J. Shaw, Jr., deputy county counsel, John F. Christensen, deputy county counsel, attorneys for defendant Governing Board of the Modesto City School District and Modesto High School District.

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

(Civil Action No. S–1336)

BILLIE SHAW, ET AL., Plaintiffs,

vs.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., Defendants.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Stanislaus, ss.

I, A. J. Shaw, Jr., being first duly sworn, depose and say:

I am the attorney for defendant Governing Board of the Modesto City School District and Modesto High School District herein.

Since the Congressional Record (Vol. 92—Part 2—79th Congress—2nd Session—Page 1610, et seq.—Feb. 26, 1946) indicates that Senator Richard B. Russell of Georgia was one of the prime supporters of the National School Lunch Act, I sent him a letter on October 23, 1969, to see if he could recall any matters concerning the Act which would be relevant to the issues involved in the suit herein.

Specifically, I told him that it would be especially appreciated if he would prepare a statement covering the following four matters:

"1. The group or class of students intended to be benefitted by the Act;

"2. The authority of the school board (as compared to the Welfare Department, Courts, etc.) to determine which child was unable to pay;

"3. The extent of the economic obligation for free lunches to be placed on local school districts as a condition to program participation; and

"4. The concept that lunch prices for paying students should be increased above the school's actual cost of producing the lunch, in order to provide funds for free lunches for other children."

On November 6, 1969, I received in the mail a return letter from Senator Russell dated November 3, 1969, the original of which is attached to the original of this affidavit, marked Exhibit "A", and thereby incorporated herein as though set out in full.

A. J. SHAW, Jr.

Subscribed and sworn to before me this 12th day of January, 1970.

THEODORE W. MARTZ,
Notary Public in and for said County and State.

POINTS AND AUTHORITIES

In the interpretation of a statute of doubtful language, it is proper to resort to the meaning attributed to it by the sponsors thereof. 19 ALR 2d 1119. (See *Marsano* v. *Laird*, 298 F. Supp. 280, 281.)

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., November 3, 1969.

Hon. A. J. SHAW, Jr.,
Deputy, Office of the County Counsel,
Modesto, Calif.

DEAR MR. SHAW: Permit me to acknowledge your letter.

It has been a long time since I drafted and presented the original School Lunch Program, and I hesitate to speak categorically with respect to its intent.

Inasmuch as the House of Representatives indicated that they wished to originate the bill and refused to take up the Senate bill, I asked them to pass a bill bearing a House number, and it became law, though it was almost verbatim with the bill I had drafted.

I do not think that anyone was of the opinion that a school lunch program would be initiated in all of the schools of the nation or even in all states, and the law applied only to those schools which initiated the program. It was contemplated that, where the program was in effect, the local school authorities would determine the ability of the children to pay for lunches, with the free lunches to go to the neediest children to the extent of available funds. The original bill did not contemplate free lunches for all of the children—only those who were unable to pay.

As a devoted supporter of state government and local autonomy in all proper matters, I have always favored leaving as much control as possible to the local school boards, and it never occurred to me that the welfare department or the courts would undertake to classify individual children as participants.

Sincerely,

RICHARD B. RUSSELL.

AFFIDAVIT—RICHARD LYNG

John P. Hyland, U.S. Attorney; Richard W. Nichols, Assistant U.S. Attorney; Gary H. Baise, Special Assistant to the Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C., Attorneys for Federal defendants

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLIE SHAW, ET AL., PLAINTIFF,

v.

(Civil Action No. S-1336)

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS

AFFIDAVIT

DISTRICT OF COLUMBIA } ss.
Washington, D.C.

Richard E. Lyng, being first duly sworn on oath, deposes and says that:

1. I am the Assistant Secretary of Agriculture for Marketing and Consumer Services and am responsible for the administration by the Food and Nutrition Service of the National School Lunch Program and other consumer food programs of the Department of Agriculture.

2. Section 9 of the National School Lunch Act (42 U.S.C. 1758) provides that schools participating in the school lunch program under such Act shall serve meals meeting the minimum nutritional requirements prescribed by the Secretary of Agriculture "without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch." Schools must comply with this requirement as a condition of eligibility to receive Federal grant-in-aid assistance under the Act. The financing of free or reduced price meals is not limited to the Federal funds schools expect to receive under Section 11 of the Act and under Section 32 of Public Law 320, 74th Congress (7 U.S.C. 612c), but such meals may be financed in part or in whole from any funds available to the schools' lunch programs. Local school authorities have the responsibility under the Act to determine and issue the eligibility standards, in compliance with regulations issued by the Secretary of Agriculture, and to make factual determinations with respect to those children who are unable to pay the full cost of the lunch. Under the regulations now in effect (Notice of October 18, 1968, 33 F.R. 15674) schools are not limited to any particular income criteria. In order to facilitate administration, schools may adopt any of the recognized standards, such as local eligibility scales for public assistance and other welfare programs or OEO poverty guidelines. Or, they may formulate reasonable income criteria which they believe are proper in view of local conditions and the requirements of the Act and of the regulations. The eligibility criteria issued by schools must be reasonably designed to effectuate the purposes of the Act and such regulations. Free or reduced price meals must be made available to students who meet the eligibility standards and reasonable procedural requirements as publicly announced by the schools.

3. The Western Regional Office of the Food and Nutrition Service conducted an administrative review on November 19–21, 1969, of the school lunch operations in the Modesto City School District. The Food and Nutrition Service has made an evaluation of the current policy statement under which the Modesto City School District is now furnishing free meals pursuant to the order of the Court of September 24, 1969. An evaluation has also been made of the policy statement which the Modesto City School District had prepared for adoption at the beginning of the current school year in September 1969. The Food and Nutrition Service believes that improvements should be made in the current Modesto policy statement and in the proposed Modesto policy statement before it is permitted to become effective. The general nature of these improvements is stated in the memorandum of December 16, 1969, from Howard P. Davis, Deputy Administrator, Food and Nutrition Service, to Edward M. Shulman, General Counsel of the Department of Agriculture, a copy of which it attached as Exhibit A to this affidavit.

4. In his address on December 2, 1969, before the White House Conference on Food, Nutrition, and Health, the President renewed the commitment of this administration, made initially on May 6, 1969, to end hunger and malnutrition in this country. He referred specifically to expanding the school lunch program to reach every needy school child with a free or reduced-cost lunch. This administration has set a goal of providing nutritious meals to all needy children in schools by November 1970. To reach the goal will require the joint effort of the Federal, State and local governments and the commercial food service industry, which has great untapped resources and know-how in bringing food to people no matter where they are located.

5. Federal funds for the current fiscal year for feeding needy children total some $132,000,000, an increase of $75,000,000 over last year. While final decisions have not been made, it is anticipated that the President's budget for the fiscal year 1971 will propose considerable increases for child nutrition programs. Some $2,000,000 has been allocated to the States this fiscal year for the purpose of strengthening their administrative efforts. The additional personnel must devote their entire time to the central purpose of extending the child nutrition programs to additional needy children.

6. The maximum rate of reimbursement for the school lunch program is being increased from 9 cents to 12 cents per meal from regular funds made available under section 4 of the National School Lunch Act. This increased rate, together with the 25 cent rate permitted from special funds (section 11 of the School Lunch Act and Section 32 of Public Law 320, 74th Congress), will permit States to pay a maximum rate of 37 cents for free or reduced price meals served to needy children from Federal funds.

7. The monitoring and enforcement of the regulations (Notice) of October 23, 1968 (33 F.R. 15674), concerning the determination of the eligibility of children

for free or reduced price meals, are being strengthened and expanded. A new instruction will be issued in the near future to the State educational agencies. This instruction will spell out that local school districts must publicly announce, at the beginning of each term through informational media and by letters home to parents, the policies and procedures that will be followed in the granting of free and reduced price meals. Also, the school boards will be required to notify public welfare departments, private charitable agencies, and community action agencies of their policies and criteria relating to free and reduced price meals. Further, this instruction will require that each State establish minimum income criteria, subject to approval by this Department, for adoption by local school boards.

8. The Department is now giving consideration to amending the regulations for the Commodity Distribution Program to require that schools receiving donated commodities, but not participating in the National School Lunch Program, grant free or reduced price meals on the same basis as schools participating in the National School Lunch Program.

9. A national meeting of all State school lunch officials will be called this Spring for the major purpose of evaluating progress towards reaching the goal of feeding all needy children in school and deciding upon the additional measures that need to be taken. This Department will work closely with the Department of Health, Education, and Welfare and the Office of Economic Opportunity in this total effort. These agencies have funds and other resources which can contribute strongly to reaching our goal. The Department expects to solicit the help and cooperation of all interested public and private groups, using the informational media, in a major effort to continue the focusing of the public attention on the vital task of providing proper nutrition to our Nation's children.

10. The child feeding programs are also receiving consideration by the legislative branch of the Government. Several bills are now pending in the Congress to amend the National School Lunch Act. The bill H.R. 515, which would amend both the National School Lunch Act and the Child Nutrition Act of 1966, was passed by the House of Representatives on March 20, 1969, 115 Cong. Rec. H1963 (daily ed.). This bill would amend Section 9 of the National School Lunch Act by establishing certain criteria to be considered by the local school authorities in determining children who should receive free or reduced cost lunches as follows:

Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.

In addition, this bill would require a percentage of the matching presently required under the National School Lunch Act (three dollars from State and local funds for each dollar of Federal funds) to be paid from State tax revenues. The percentage would begin at four percent for the first two years and increase on a biennial basis until at least ten percent of the amount required for matching is paid from State tax revenues.

Other bills are under consideration by the Senate.

Richard E. Lyng.

Subscribed and sworn to before me, this 16th day of January, 1970.

Mary C. Heslop, *Notary Public.*

My commission expires April 30, 1974.

U.S. Department of Agriculture,
Food and Nutrition Service,
Washington, D.C., December 16, 1969.

To: Edward M. Shulman, General Counsel.
Subject: Proposed Modesto School Board Free and Reduced Price Meal Policy.

We understand that the United States District Court for the Eastern District of California on September 24, 1969, issued a preliminary injunction in the case of *Billie Shaw, et al. vs. Governing Board of the Modesto City School District, et al.*, restraining the school district from adopting or using in connection with the free lunch program under the National School Lunch Act any standards, methods, or procedures other than those in effect at the close of the 1968–69 school year. We understand that this order is for the purpose of maintaining the status quo until a final determination of the issues by the Court. This order thus prohibits the school from adopting or implementing the policy statement which it had prepared for adoption at the beginning of the current school year in September 1969.

The Western Regional Office of the Food and Nutrition Service conducted an administrative review on November 19–21, 1969, of the school lunch operations in the Modesto City School District. We were informed by your office that we should not discuss with officials of the school district any improvements or clarifications in its existing free lunch policy statement without approval of the Court in view of the preliminary injunction against the school district.

Our evaluation of the current Modesto policy statement (January 1969) indicates it could be substantially improved. We would like to start on this as soon as possible in order to make the current implementation of the free and reduced price meal requirement more effective.

If it is proper, in the circumstances, for the Department to make such a request, will your office proceed to secure the permission of the U.S. District Court for this office to work through the State Educational Agency, with the Modesto School Board, so that the current policy statement can be amended to effectuate its improvement?

As to particulars, the announcement is not entirely clear as to who is eligible. The amendment to the original policy says that proiority shall be given to those lowest on the social welfare scale but this does not give an indication of what the eligibility level is. The policy should state what the eligibility level is and then provide lunches for those who meet the criteria. We intend to recommend that even if a student does not meet the criteria, but yet needs a free lunch, he should be given a free lunch. Also, the non-discrimination assurances requested in III 3–A–G of the Notice are not included in the policy.

Among the amends of the *proposed* policy (September 1969) that we would suggest is that the criteria for eligibility of children for free or reduced price meals should be expressed in dollar figures for family income, plus the additional factors of the number of persons in the family and the number of children in the family attending school. This would replace the standard in the proposed Modesto policy which is based on a percentage of the OEO poverty income level and is limited to free meals only.

In addition, we would seek to have included in the policy statement and the public announcement thereof clear information on how and where application could be made and to whom appeals from eligibility determinations could be made.

HOWARD P. DAVIS
Deputy Administrator.

MEMO PRIOR TO TRIAL—MODESTO

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLIE SHAW, ET AL., PLAINTIFFS,
v.
GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS

(Civil Action No. S–1336)

MEMORANDA PRIOR TO TRIAL

In compliance with Court Rule ND 1, defendant Governing Board of the Modesto School Districts submits herewith its attached Statement of the Facts of the Case and Summary of Points of Law.

Dated: January 12, 1970.

Respectfully submitted.

T. W. MARTZ,
County Counsel,
JONATHAN H. ROWELL,
Assistant County Counsel,
A. J. SHAW, Jr.,
Deputy County Counsel,
JOHN F. CHRISTENSEN,
Deputy County Counsel,
By A. J. SHAW, Jr.,
Attorneys for Defendant Governing Board of the Modesto School Districts.

STATEMENT OF THE FACTS OF THE CASE

The Modesto City School system has been a "participating school" under the provisions of the 1946 National School Lunch Act for several years.

During that period, the Modesto schools have expended funds each year for free or reduced price lunches served to students determined by the school board to be unable to pay the full cost of a lunch. These funds have included federal funds from various assistance programs and local school budget funds. (State assistance programs have been proposed from time to time but they have never been placed in operation.)

During the past year, the school board has been criticized by CRLA attorneys, social workers, and leaders of organized poverty groups for failure to provide free or reduced price lunches to all who are needy. Also, the school board itself has in the past been dissatisfied with the administrative burden and other problems connected with the operation of the free lunch program.

Therefore, in the spring and summer of 1969, the board held several well-attended public meetings concerning the problem and proposed to adopt a new system which would utilize a percentage point upon the OEO income scale as an "automatic inclusion point" for free lunch determination.

All children from families with incomes below that point would automatically be granted free lunches. Children from families above that point would be considered by application as under the "old system" previously in use. If the application established a "special need," those children would be granted a free or reduced price lunch, too.

Under both the old system and the proposed new system, the school board candidly stated at all times that the total dollar amount to be expended for free and reduced price lunches was to be limited to the total dollar amount available from the state and federal assistance programs and the local school funds specifically budgeted for the lunch program.

Under the old system, this limitation upon dollar expenditures, although always in existence, was never a limiting factor upon the number of free or reduced price lunches served. The only year that all available funds were expended was in 1968–69 when $21,824 in federal funds for free and reduced price lunches was received late in the school year. To insure that all of that $21,824 was expended before the end of the year, the school board instituted a program of reduced price lunches for all children in ten "target area" schools located in the "poverty" sections of the school district.

Under the proposed new system, the school board recognized that it could achieve a technical compliance with the plaintiffs interpretation of the school lunch act by giving "reduced price" lunches to all children below the 100% point on the OEO income scale and to the children who established a special need by application. The amount of the price reduction would be that amount required to utilize 100% of the total federal and state money and the dollar amount specifically budgeted by the school for free or reduced price lunches.

However, the school board believed that it was better to distribute free lunches to the "neediest children," as determined by selection of a percentage point lower than 100% on the OEO income scale. The percentage point selected would be one calculated to expend during the school year the total federal and state money available and the dollar amount specifically budgeted by the school for free or reduced price lunches. If additional funds became available at any time during the school year, a higher percentage point would then be selected on the scale for the remainder of the school year.

Plaintiffs objected to the proposed new plan and brought the action herein.

MEMO IN OPPOSITION TO PRELIMINARY INVESTIGATION

U.S. DISTRICT COURT FOR THE EASTERN DIVISION OF CALIFORNIA

(Civil Action No. 13)

BILLIE SHAW, ET AL., PLAINTIFFS,

v.

GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS.

MEMORANDUM IN OPPOSITION TO APPLICATION FOR PRELIMINARY INJUNCTION ATTACHED AFFIDAVITS

Defendant Governing Board of the Modesto City School District and Modesto High School District objects to the application for a preliminary injunction filed herein, and respectfully submits this memorandum and the attached affidavits in opposition thereto.

Defendant recognizes that the law requires defendant to supply free, or reduced cost, lunches to all children determined by defendant to be unable to pay the full cost of a lunch. (42 USC 1758; 7 CFR 210.8; Para. II, 5(e), of "Exhibit B" Agreement attached to the affidavit of BERT C. CORONA attached hereto.)

Defendant also recognizes that its determination of ability to pay must be based upon reasonable local standards which are not arbitrary or discriminatory.

The affidavit of Bert C. Corona attached hereto shows that the board has fully complied with both the spirit and the letter of the law at all times. The affidavits of Clyde Hull and Chris Oleson attached hereto show that the board and the school staff have given more consideration than required by law to the individual plaintiffs herein.

The School Lunch Act has been in effect since 1946. At all times since the inclusion of the requirement concerning the serving of free or reduced cost lunches, the Congress has provided that the local school authorities shall make the determination as to which children are unable to pay the full cost of the lunch. (42 USC 1758.)

If Congress had intended to have free lunches automatically provided to all children from families on public assistance programs as sought by plaintiffs herein, it certainly could have found an easier way to say so than through the eleven page complaint of plaintiffs on file herein.

Except for two statutory citations, that complaint refers to the child's ability to pay for a lunch in only three places. However, the complaint refers 27 times to "needy child", four times to "hungry children", one time to "poor children", one time to "low income children", and eight times to "wealthy and middle class children". In addition, it speaks of "minimal income for survival" and "the minimum needed for even a subsistence level of existence".

None of the language used by plaintiffs and none of the facts cited by them show in any way that the board has acted other than reasonably and conscientiously at all times in carrying out the requirements of the School Lunch Act.

In fact, all that plaintiffs can show is one claim by Mrs. Bateman that her request for free lunches for her children was denied. The affidavit of Chris Oleson attached hereto shows that the school gave the Hellberg children permission to finish the school year at Shackelford School, but that Mrs. Bateman did not apply for free lunches or indicate that she was having financial problems.

Plaintiffs' request for a preliminary injunction is not based upon proven or threatened injury to plaintiffs or anyone else. Plaintiffs' real complaint is that the board did comply with the law and did, after thorough consideration, establish workable criteria for determining the ability of families to pay for school lunches, but the board did not adopt the criteria proposed by plaintiffs.

Therefore, plaintiffs are asking this court to order the board to adopt plaintiffs' standards, which plaintiffs cite from the Federal Register as though it were the law (Complaint P. 5, 1. 1–6).

A careful reading of the full USDA Notice containing plaintiffs' partial citation shows that the USDA "SUGGESTED that each State Agency . . . shall RECOMMEND" to the schools that welfare agencies be consulted for eligibility information. And that the USDA further noted as a part of its suggestion and recommendation: "A broad range of public opinion exists which GENERALLY CONSIDERS families are in need of food assistance" if they qualify for Welfare. (33 Fed. Reg. 15674, 15675, Section IV, 3.)

Defendant submits that such suggestion, recommendation and public opinion are not sufficient legal reason to issue a preliminary injunction against the considered action of a properly constituted administrative body.

Therefore, defendant respectfully requests that the Court deny the application for a preliminary injunction.

Dated: September —, 1969.

T. W. MARTZ,
County Counsel,
JONATHAN H. ROWELL,
Assistant County Counsel,
A. J. SHAW, JR.,
Deputy County Counsel,
A. J. SHAW, JR.,
Deputy.—Attorneys for Defendant Governing Board of the Modesto City School District and Modesto High School District.

AFFIDAVIT—BERT CORONA—SUPERINTENDENT MODESTO SCHOOLS

AFFIDAVIT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

I, Bert C. Corona, being first duly sworn, depose and say:

I am the duly appointed Superintendent of the Modesto City Schools System, and have served in such capacity since July 1, 1966. I have served as a school superintendent since 1956, serving in the Delano Joint Union High School District and the San Rafael City Schools and the Modesto City Schools.

During the three years that I have served in the Modesto City Schools System, the school's Board of Trustees has at all times worked closely with the California State Department of Education in order to properly carry out the provisions of the National School Lunch Act. The Department of Education is the State Agency for disbursement of funds and commodities for the school lunch program.

During the 1968–69 school year, the Modesto City Schools served 31,849 free lunches at a cost to the General Fund of the district of $11,041.35. In addition, Special Federal Assistance Funds in the sum of $20,613.15 were utilized to reduce all lunches served in ten poverty area target schools for a period of approximately four months.

The school board expects to receive additional funds during the 1969–70 fiscal year in special assistance money from both the Federal and State Governments for the free and reduced price school lunch program. Local funds in the amount of $7,000.00 have already been budgeted, and it is expected that additional local funds will be budgeted during the school year.

The school board has devoted the main portion of at least four open and public school board meetings during the last few months in reviewing the school lunch program.

The criterion for determining those students unable to pay the cost of a school lunch in past years has been the varification of unmet needs on the basis of AFDC standards. Upon the advice of the Director of the County Welfare Department, the Board of Education is in the process of changing to a criterion based on O.E.O. Poverty Guidelines, which were developed by the O.E.O. as the criterion or admission to the Headstart Program. Attached hereto, marked "Exhibit A", and thereby incorporated herein by reference, is the proposed school lunch policy for 1969–70, together with a chart showing the O.E.O. guidelines.

The school staff, with the concurrence of the board, will establish a percentage point upon the O.E.O. poverty scale (now planned to be established at 80% for the beginning of the school year) for the use of school personnel in the initial determination of the ability of a family to pay the full cost of school lunches. All children from families at the established percentage point, or below, will be automatically granted free lunches upon application, without further investigation by school authorities.

In addition to the automatic grant of free lunches to all those children at or below the established O.E.O. percentage point, free lunches may also be granted to others determined by school authorities to be unable to pay the full cost of a school lunch according to established criteria.

The O.E.O. percentage point established by the board for automatic free lunches will be that point estimated to require an overall expenditure for free lunches of a dollar amount equal to the total revenues available from federal, state and local sources as referred to above.

Plaintiffs' assertion that "the School District received $240,966.06 in federal school lunch subsidies" (Complaint P. 3, l. 17–18) is a deceptive statement when used to imply that such a sum, or even any significant portion thereof, is available to the school authorities for budgetary transfer into a fund for free school lunches or any other purpose.

Although the Federal Government and the State Agency place a "fair market value" upon commodities distributed to the schools, the fact is, that the schools must actually pay on a "handling charge" for the commodities. This handling charge is included in the schools' cost of providing the meal, as authorized by Section II, 2(b) at page 2 of the "School Lunch Program Application-Agreement," a copy of which is attached hereto, marked "Exhibit B," and thereby incorporated herein by reference. At the local level, the "fair market value" of the commodities is only an amount on paper which is not included in any budget, cost, or selling price computations whatsoever.

There is a further deception in the claim that "86.4 percent of this aid was used to subsidize the lunches of the wealthy and middle-class group" (Complaint P. 3, l. 18–20) Actually, the regularly priced lunches are sold at their estimated cost (including the handling charge paid out as above), less approximately 4½ cents for each Class A type meal. This 4½ cents is not a subsidy, but rather is a "reimbursement" (Section 3, Page 2 of "Exhibit B" Agreement) to the school district for each high quality Class A type meal furnished. The school district believes it is proper to give the benefit of that 4½ cent reimbursement to the child who purchased the Class A meal.

Therefore, the children who are not given free lunches are charged the schools' actual cost of providing the meal and do not receive the meal at a reduced price. I believe this is entirely consistent with the requirement that the National School Lunch Program be operated on a "non-profit" basis. Attorneys and other representatives for the plaintiffs herein have advocated at school board meetings that the lunch prices for children paying for lunches be increased to obtain more funds to provide free meals for other children. I do not believe that the concept of making a profit from some children to give to other children is consistent with, or required by, the School Lunch Act.

Plaintiffs' criticism of the plan appears to be that the school board firmly insists upon limiting school expenditures for free lunches to the school's budgetary ability to pay the cost involved. As school officials entrusted with public money, I do not see how the board can do otherwise. In fact, if the school were tied down with legislative or judicial requirements which placed the school in the position of expending funds which it did not have for school lunches, I would have to advise the school board that in my judgment the school should terminate its participation in the School Lunch Program, pursuant to the provisions of Section II, Page 4 of "Exhibit B" Agreement.

The school years opens Wednesday, September 10, 1969, and we plan to open the school cafeterias on that same date.

Bert C. Corona,

Subscribed and sworn to before me this 7th day of September, 1969.

——— ———,

Notary Public in and for said County and State.

My Commission Expires: ———.

Temporary Restraining Order

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Civil action No. S–1336

Billie Shaw, et al., plaintiffs,

v.

Governing Board of the Modesto City School District and Modesto High School District, et al., defendants

TEMPORARY RESTRAINING ORDER

The above matter came on for hearing on September 8, 1969, pursuant to an Order to Show Cause why a preliminary injunction should not issue.

Having considered the complaint, and the statements of counsel for plaintiffs and the named defendants, and good cause appearing:

It is hereby ordered that until and including September 22, 1969, the Governing Board of the Modesto City School District, and its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with it, be and hereby are enjoined from, in any manner, directly or indirectly, failing or refusing to provide free or reduced cost lunches to all children enrolled in the schools of said District who are eligible under the standard employed by the said Governing Board for the 1968–1969 school year.

It is further ordered that no bond will be required of the plaintiffs in this matter at this time.

Ordered at 3:50 p.m., this 8th day of September, 1969.

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:

Thomas J. MacBride,
U.S. District Judge.
William C. Robb,
Clerk, U.S. District Court Eastern District of California.
E. W. Schneider,
Deputy Clerk.

Preliminary Injunction

IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Civ. S–1336

Billie Shaw, et al., plaintiffs,

v.

Governing Board of the Modesto City School District and Modesto High School District, et al., defendants.

MEMORANDUM AND ORDER

This is a class action seeking injunctions to require the Modesto School Board and officials of the state and federal governments to act to insure full compliance with the National School Lunch Act (42 U.S.C.A. §§ 1751–61). Plaintiffs allege that the School Board's eligibility requirements for free lunches in both the 1968–69 program and the proposed 1969–70 programs were calculated to prevent participation by needy, eligible children. They allege that under the Act the School is required "to feed every needy child in the district." They seek an injunction requiring the School Board to make free lunches available to "any school child from a family certified as eligible for assistance under the Food Stamp Program, or from a family participating in any of the various programs of public assistance such as Aid to Families with Dependent Children, or from a family determined to be eligible under local standards related to local conditions." It appears to be undisputed that the proposed 1969–70 School Board eligibility requirements were based upon the amount of money allocated by the Board for the program rather than need. Plaintiffs seek to enjoin the federal and state defendants from "failing or refusing to require the Modesto School Board to make available a free or reduced rate lunch [to the class of children described above]." The federal defendants move to dismiss the action as to them for lack of subject matter jurisdiction (Fed. Rule of Civil Proc. 12(b)(1)) and for failure to state a claim upon which relief can be granted (Fed. Rule of Civil Proc. 12(b)(6)).

The question of jurisdiction was considered in *Marquez* v. *Hardin*, Civ. No. 51446 (N.D. Cal. September 8, 1969), a similar action brought against only federal officials. Plaintiffs rely principally on the holding in that opinion sustaining jurisdiction, while defendants have ably argued that *Marquez* was wrongly decided. Judge Peckham's opinion in *Marquez* is part of the file in this case, and no purpose would be served by reproducing his carefully researched and lengthy reasoning here. I concur in his conclusion that this court properly has jurisdiction under 28 U.S.C. §§ 1337 and 1361.[1]

In support of their motion to dismiss for failure to state a claim, defendants argue that they have no authority to determine which children in Modesto are to be provided with free lunches and thus they have no direct duty to these plaintiffs. Defendants do concede, however, that they have certain broad powers to insure compliance with the terms of the School Lunch Act. They may promulgate regulations and request the State to terminate its agreement under the Act with Modesto Schools. They may also take the drastic step of discontinuing aid to the entire State of California. Thus, they do have limited power to redress plaintiffs' grievances. Since the federal defendants have not answered, it is unclear whether they feel the School is in compliance with the Act and what their defenses on the merits may be. If the plaintiffs are successful in convincing the court that their interpretation of the Act is correct, the court can then consider whether any relief is proper against the federal defendants. Whether any such relief would be prudent or proper is a question which must await facts to be adduced at trial.[2] Since plaintiffs may conceivably demonstrate the propriety of relief against the federal defendants, I must deny the motion to dismiss. *See Conley* v. *Gibson*, 355 U.S. 41, 45–46 (1957).

Defendants have also argued that the case is not "ripe" for adjudication. See 3 Davis, *Administrative Law Treatise*, ch. 21 (1958). Were plaintiffs' action directed toward only the proposed but unimplemented 1969–70 School Board eligibilty plan, this argument might have merit. However, plaintiffs also insist that the 1968–69 eligibility requirements contravened the Act. In plaintiffs' view the federal officials did not exercise their power to insure full compliance in 1968–69. The defendants had ample opportunity to react to the alleged previous non-compliance with the Act. Thus, according to the plaintiffs, there has been an administrative decision which "has been formalized and its effects felt in a concrete way by the challenging parties." *Abbott Laboratories* v. *Gardner*, 387 U.S. 136, 148–49 (1967). The case is "ripe" for adjudication as to the federal defendants.

IT IS THEREFORE ORDERED that defendants' motions to dismiss and for summary judgment be, and the same are, hereby denied.

Dated: January 14, 1970.

THOMAS J. MACBRIDE.
U.S. District Judge.

MEMORANDUM AND ORDER—JURISDICTION

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

(Civil Action No. S–1336)

BILLIE SHAW, ET AL., PLAINTIFFS
v.
GOVERNING BOARD OF THE MODESTO CITY SCHOOL DISTRICT AND MODESTO HIGH SCHOOL DISTRICT, ET AL., DEFENDANTS

PRELIMINARY INJUNCTION

The application of plaintiffs for a preliminary injunction came on regularly to be heard on September 22, 1969, pursuant to an order to show cause issued by this Court on September 10, 1969.

Evidence and argument having been submitted by all parties, and good cause appearing to maintain the status quo until a final determination of the issues at trial.

It is hereby ordered that during the pendency of this action defendant Governing Board of the Modesto City School District and Modesto High School District, its agents, employees, and representatives, shall be, and they are hereby, restrained from promulgating, adopting, or using in connection with the School's free lunch program under the National School Lunch Act any standards, methods or procedures other than those in effect at the close of the 1968–1969 school year.

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[1] On the authority and reasoning of *Rosado* v. *Wyman*, 414 F. 2d 170 (2d Cir. 1969), *cert. granted*, 38 U.S.L.W. 3127 (1969), argued November 19, 1969, I hold that the court does not have jurisdiction under 28 U.S.C. § 1331.

[2] Since there are material facts as yet undeveloped, defendants' alternative motion for summary judgment must be denied. Fed. Rule of Civil Proc. 56.

Included in such standards, methods and procedures are the School's policies and regulations on file with, and approved by, the California State Department of Education prior to the close of the 1968–1969 school year. A copy of said approved policies and regulations is attached hereto, marked Exhibit "A", and incorporated herein as though set out in full.

It is further ordered that the plaintiffs' application for preliminary injunctions as to all other defendants shall be, and it is hereby, denied.

It is further ordered that the importance of the issues presented in this case require that the case shall be, and it is hereby, given preference on the trial calendar.

It is further ordered that plaintiffs need post no bond.

Dated: ———, 1969.

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:

WILLIAM C. ROBB,
Clerk, U.S. District Court, Eastern District of California.
THOMAS J. MACBRIDE,
U.S. District Court Judge.
E. W. SCHNEIDER,
Deputy Clerk.

STATE OF CALIFORNIA DEPARTMENT OF EDUCATION,
Sacramento, Calif., September 23, 1969.

AGREEMENT NO. 989

TO WHOM IT MAY CONCERN: The attached policy and regulations from the Modesto City School Board submitted in January 1969, together with our letter of March 13 and the School Board's letter of reply of March 28 amending the policy, constitute the approved free and reduced-price lunch policy and regulations for the Modesto City School District for 1968–1969 on file in this office.

MAYE M. HORNER,
Senior Stenographer, Food Service Office.

MODESTO CITY SCHOOLS,
ADMINISTRATION OFFICES,
Modesto, Calif. January 23, 1969.

Subject: Amendment No. 2 to National School Lunch Program Agreement.

CALIFORNIA STATE DEPARTMENT OF EDUCATION,
Food Service Office,
Sacramento, Calif.

GENTLEMEN: You will find enclosed executed copy of the School Lunch Program Agreement Amendment No. 2 pertaining to the School District's policy on reduced price or free lunches to children determined by local school authorities to be unable to pay the full price thereof.

We are also enclosing a copy of the Policy Statement and Administrative Rules and Regulations pertaining to the Free Lunch Program of the Modesto City Schools which was approved by the Modesto City Board of Education at its meeting of January 20, 1969.

Very sincerely yours,

RICHARD B. EATON.

ADMINISTRATIVE RULES & REGULATIONS—(BOARD OF EDUCATION APPROVAL: MONDAY, JAN. 20, 1969)

AR 8210 Free Lunch Program.—Careful investigation shall precede the granting of free lunches to needy students. The granting of free lunches shall be done by committee action.

The screening committee for granting free lunches shall consist of at least two of the following people:

1. The building principal or his representative.
2. The Supervisor of Attendance or Assistant Supervisor of Attendance of the elementary district, or if high school, the Supervisor of Attendance at the high school.

3. The school nurse.
4. The school P.T.A. Welfare Chairman or her representative.

A written record shall be kept by the principal of each investigation and the committee action.

When free lunches are granted a definite time limit shall be set for review and re-investigation of eligibility.

The policy and rules and regulations of the Board of Education shall be given public announcement within the District. In accordance with the interpretation of the County Counsel of Stanislaus County, such announcement shall consist of the public discussion of the Board's policy and rules and regulations pertaining to the free lunch program at open board of education meetings. Such official announcement may be amplified by the local newspaper reporter in attendance at meetings.

Standards of Eligibility.—Students who attend school may qualify for free lunches under the following or similar circumstances:

1. A student whose family is receiving aid from the County Welfare Department shall not be precluded from eligibility nor guaranteed eligibility as a result of such aid.
2. The family is unable to provide an adequate sack lunch, pay for a school lunch, or have adequate food for the student's lunch at home.
3. The family is unable to provide an adequate sack lunch, pay for a school lunch, and the student is unable to go home for lunch due to problems of transportation.

Free lunches may be granted during investigation on a day to day basis. Students may be granted free lunches upon the recommendations or suggestions of law enforcement agencies or the County Welfare Department.

Establishment of Need.—When there is reason to believe that a student may be in need of lunch or additional nourishment, the principal of the school shall initiate an investigation to establish the facts. The family's financial circumstances shall be ascertained and the approximate length of time the student will be in need of free lunches.

The status of the student's family with the Stanislaus County Welfare Department shall be ascertained by a member of the screening committee.

Upon completion of the investigation at least two members of the screening committee shall review the findings and render a decision.

When a family circumstance fluctuates, the committee may grant free lunches for those days that a student is without a lunch.

When the family is able to pay a portion of the cost, the committee may grant partial free lunches—the differential of what the family can pay and what the cost may be.

Referral to Other Agencies.—Students who are not eligible for free lunches but who do not receive adequate nourishment due to extenuating circumstances or family mismanagement should be referred to the Supervisor of Attendance and Child Welfare who may in turn refer the case to the proper agency.

Appeals.—Any parent of a student who has requested free lunch privileges for such student through the procedures set forth in these rules and regulations and has been denied such request may make an appeal for consideration to the Superintendent's Executive Council. If this appeal is denied, the parent shall have the right to make final appeal directly to the Board of Education.

Finance.—The intention is to provide funds for free lunches from the Cafeteria Fund or from the General Fund. When such funds are appropriated, the following procedure shall be used:

The principal of the school, together with the cafeteria manager, shall keep a record of the free lunches served. At the close of each calendar month the manager shall send a statement of the number of free lunches for the month to the Supervisor of Cafeterias.

When the district is unable to provide funds for free lunches, the P.T.A. Council will be so advised. The P.T.A. Council may undertake to provide for free lunches. When free lunches are to be provided by the P.T.A. Council, the following procedure shall be used:

The principal of the school, together with the cafeteria manager, shall keep a record of the free lunches served and at the close of each calendar month the managers shall send a statement of the cost of the lunches to the Supervisor of Cafeterias. The Supervisor of Cafeterias shall combine these reports into one statement and send it to the P.T.A. Council Welfare Chairman for payment to the Cafeteria Fund.

MODESTO CITY SCHOOLS,
ADMINISTRATION OFFICES,
Modesto, Calif., March 7, 1969.

Attention: Mr. James M. Hemphill,
Supervisor, Food Services.
In re agreement No. 989.

STATE DEPARTMENT OF EDUCATION,
Sacramento, Calif.

DEAR MR. HEMPHILL: We have received your form letter of March 3, 1969 indicating that you have received copies of our National School Program Amendment No. 2 and a copy of our Board of Education policies regarding free or reduced-price meals for needy pupils. You indicate, however, that the District's policy statement does not meet the U.S. Department of Agriculture requirements in one or more respects.

It is unfortunate that your letter cannot be more precise in naming the shortcomings of the District policy which was very carefully considered by the staff and Board of Education and drawn up in light of the guidelines previously forwarded to us through your office. At the time that the Board policy was written and prior to approval by the Board of Education, it was reviewed by the Office of the County Counsel of Stanislaus County to insure that it conformed to the more specific requirements of giving notice to the District's constituents, etc. This also was in line with the suggestions made by your office.

May we please hear from your office specifically how the District's policy, which has been approved by the Board of Education, falls short of meeting the Department of Agriculture requirements.

Very sincerely yours,

BERT C. CORONA,
Superintendent, Modesto City Schools.

SCHOOL LUNCH PROGRAM AGREEMENT AMENDMENT NO. 2

The school lunch program agreement made and entered into by and between Modesto City Schools and the California State Department of Education is hereby amended as follows (italic indicates changes):

5. Supervision.

(e) Supply lunches without cost or at reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof. *and have on file written policies and procedures for this purpose and publicly announced to the patrons of the attendance units and place into effect the policy on eligibility for free and reduced-price meals. As a minimum these policies and procedures shall:*

(i) *Include a clear indication of those officials delegated authority or designated to determine which individual pupils are eligible for free or reduced-price meals under the established policy criteria.*

(ii) *Include criteria which will give consideration to economic need as reflected by family income, including welfare payments, family size, and number of children in the family.*

(iii) *Outline the procedural steps to be followed by designated officials in making the individual determinations and in providing the free or reduced-price meals in a manner to avoid overt identification to their peers of pupils receiving such meals.*

(iv) *Provide that the names of pupils determined to be eligible for free or reduced-price meals will not be published, posted, or announced in any manner to other children and that such pupils will not be required, As a Condition of Receiving Such Meals, to: use a separate lunchroom; go through a separate serving line; enter the lunchroom through a separate entrance; eat lunch at a different time from paying pupils; work for their meals; use a different medium of exchange in the lunchroom than used by paying pupils; or eat a different meal than paying pupils.*

(v) *Include a provision for appeal from decisions in individual cases.*

(vi) *Provide for a system of collecting payments from paying pupils and accounting for free or reduced-price meals in a manner which will protect the anonymity of the pupils receiving free or reduced-price meals in the lunchroom, classroom, or other environ of the attendance unit.*

RICHARD B. EATON,
Assistant Superintendent, Business Services.
JAMES M. HEMPHILL,
Supervisor, Food Services.

Permanent Injunction

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Civ. S–1336

(Original Filed Feb. 27, 1970)

Billie Shaw, Joseph Shaw, Donald Shaw, Anna Marie Shaw, Rickey Shaw, Howard Shaw, Minor Children Through Their Mother and General Guardian, Billie Shaw; Alta Rae Bateman; Linda Hellberg, Dennis Hellberg, Glen Hellberg, Carol Hellberg, Minor Children Through Their Mother and General Guardian Alta Rae Bateman, Individually and on Behalf of a Class of Similarly Situated Persons, plaintiffs

v.

Governing Board of the Modesto City School District and Modesto High School District; Clifford M. Hardin, Secretary of the United States Department of Agriculture; Roy W. Lennartson, Administrator, Consumer Food and Marketing Service, United States Department of Agriculture; Charles M. Ernst, Director, Western District, United States Department of Agriculture; George Randall, Director, Food Program Services; Western District, United States Department of Agriculture, defendants

PERMANENT INJUNCTION

The above matter came on for trial on January 22, 1970, and the parties having presented the testimony of witnesses, exhibits, affidavits, and other documents, and the court having considered the evidence, memoranda of points and authorities, and arguments of counsel, the court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Modesto City School District and the Modesto High School District have participated in the National School Lunch Program since 1967.

2. On August 25, 1969, the Governing Board of the Modesto City School District and Modesto High School District (hereinafter referred to as the "School Board") proposed to adopt an eligibility standard which limited automatic participation in the free and reduced price lunch program to those children who came from families with an income at or below eighty per cent (80%) of the Office of Economic Opportunity (OEO) poverty level. Provision was also made for participation by other children from families with an income above the eighty per cent (80%) level under certain circumstances and upon special applications.

3. In adopting the eighty per cent (80%) OEO standard, the School Board based its determination on the ability of the District to finance the free lunch program and did not make a determination of children unable to pay the full cost of a lunch.

CONCLUSIONS OF LAW

1. Section 9 of the National School Lunch Act, 42 U.S.C. § 1758, requires a school board to make a determination of children who are unable to afford the full cost of a lunch in order to participate in the National School Lunch Program.

2. Section 9 of the National School Lunch Act further requires as a condition of participation that the determination of children who are unable to afford the full cost of a lunch must be made solely on the basis of a child's ability to pay for a lunch and without regard to any limit on the number of free or reduced rate lunches to be served.

3. Regulations issued by the Secretary of the United States Department of Agriculture pursuant to the National School Lunch Act require that the determination of children who are unable to afford a lunch must be based on an eligibility criteria which sets forth the income level below which children will be eligible for a free or reduced price lunch.

4. In adopting such an eligibility criteria the school board, under the regulations issued by the Secretary of the United States Department of Agriculture, must consider family income, family size, and the number of children in school.

5. Section 9 of the National School Lunch Act requires as a condition of participation in the National School Lunch Program that a school board must provide free or reduced price lunches to all children who are determined to be unable to afford the full cost of a lunch.

It is hereby ordered that as a condition of participation in the school lunch program under the National School Lunch Act the Governing Board of the Modesto City School District and High School District, and its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with it, except the State of California and the federal defendants named herein, be, and are hereby, enjoined from:

1. Failing or refusing to adopt an eligibility standard which is based on a determination of children in the district who are unable to afford the full cost of a lunch.

2. Failing or refusing to make such a determination in terms of an eligibility criterion which includes, but need not be limited to, consideration of income, family size, and the number of children in school.

3. Determining eligibility for participation in the free lunch program by considering the ability of the District to finance the free or reduced price lunch program.

4. Failing or refusing to provide a free or reduced price lunch to children whose family income is below the 1969 poverty level as determined by the Office of Economic Opportunity until such time as the Board complies fully with the provisions of this order set out above.

Memorandum Opinion

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Civ. S–1336

(Original filed Mar. 6, 1970)

Billie Shaw, Joseph Shaw, Donald Shaw, Anna Marie Shaw, Rickey Shaw, Howard Shaw, Minor Children Through Their Mother and General Guardian, Billie Shaw; Alta Rae Bateman; Linda Hellberg, Dennis Hellberg, Carol Hellberg, Minor Children Through Their Mother and General Guardian Alta Rae Bateman, Individually and on Behalf of a Class of Similarly Situated Persons, plaintiffs

v.

Governing Board of the Modesto City School District and Modesto High School District; Clifford M. Hardin, Secretary of the United States Department of Agriculture; Roy W. Lennartson, Administrator, Consumer Food and Marketing Service, United States Department of Agriculture; Charles M. Ernst, Director, Western District, United States Department of Agriculture; George Randall, Director, Food Program Services, Western District, United States Department of Agriculture, defendents

MEMORANDUM OPINION

This case is concerned with interpretation of one sentence in Section 9 of the National School Lunch Act:

"Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch." 42 U.S.C.A. § 1758 (1969).

The plaintiffs in this class action are families with children attending Modesto City Schools. The Modesto City School District and the Modesto City School District and the Modesto High School District have participated in the National School Lunch Program since 1967. Plaintiffs sought to enjoin the implementation of the School Board's proposed 1969–70 free lunch eligibility standards and to require, as a condition or continued participation in the Act's school lunch program, adoption of a standard "based on a determination of children in the district who are unable to afford the full cost of a lunch." The precise legal issue involved is whether, under the Act, a school board may base its free lunch eligibility standards upon the amount of money it wishes to commit to the program. The defendant School Board argues that it may. Plaintiffs argue that eligibility must be based upon a child's ability to afford the cost of a lunch without regard to the total expenditures which may result.

During the summer of 1969 the Modesto School Board held a series of meetings at which it formulated plans for operation of the district's school lunch program in the 1969–70 school year. The evidence is undisputed that it finally decided to adopt an automatic eligibility standard for free lunches designed to restrict participation to 400 children. Taking into account the funds available and the cost of providing free lunches, the Board estimated that it could afford to supply only 400 lunches per day. The Board first set its eligibility standard at a family income level of 100% of the 1969 poverty level as determined by the Office of Economic Opportunity (OEO). It later lowered this to 80% of the OEO poverty level when calculations disclosed that the 100% figure would qualify too many children. The Board also provided for participation by other children from families with an income above the 80% level under certain circumstances and upon special application.

Before the Board could finally adopt this program, plaintiffs brought this suit. This court issued a preliminary injunction on September 24, 1969, enjoining the Board from adopting or implementing its proposed 1969–70 plan and requiring it to administer its school lunch program according to the 1968–69 plan until decision of this case.

I have concluded that the School Board's actions in formulating its proposed 1969–70 eligibility standards contravened the National School Lunch Act. Consequently, at the conclusion of the trial in this case, I issued permanent injunction requiring, as a condition to further participation in the school lunch program under the Act, that the School Board adopt an eligibility standard in conformity with the Act as will be hereinafter described.

A complete explanation of the complex workings of the Act is not essential to this opinion.[1] The relevant details are as follows. Federal aid to local schools participating in the program is channeled through the states[2] and consists of commodities and cash grants. The Department of Agriculture provides commodities under section 6 of the School Lunch Act (section 6 commodities).[3] under section 32 of Public Law 320, 74th Cong. (section 32 commodities)[4] and under section 416 of the Agriculture Act of 1949 (section 416 commodities).[5] The commodities are free to local schools except for a nominal handling charge. There are two types of cash grants—so-called "special assistance money" (describing *infra*) and section 4 money.[6] This section 4 money is disbursed on the basis of so much for every lunch served in the district. Modesto schools currently receive four cents per lunch served whether it is a free, reduced price or fully paid lunch. The effect of the receipt of the commodities and section 4 money is to reduce the cost to the school of every lunch served. The school meets the remaining cost of each lunch by collecting it from the student who can afford to pay for it or by appropriating a combination of school budget funds and "special assistance money" for students unable to pay.

In 1962 Congress inaugurated the so-called "special assistance" appropriations to help "schools drawing attendance from areas in which poor economic conditions exist" meet the requirement of providing free or reduced price lunches to those unable to pay the full cost.[7] In 1968–69 Modesto Schools received $21,824 of this special assistance money to pay the cost of serving free and reduced price lunches. The School Board spent in addition $11,000 of its money for this purpose.

The evidence indicated that the average cost of every lunch served by the Modesto district, including all overhead and administrative expenses, is fifty-six cents (fair market value). This includes two cents worth of section 6 commodities and ten cents worth of section 32 and section 416 commodities. Deducting in addition to the commodities the four cents in section 4 money received for every lunch, the remaining cost to the school is forty cents for each lunch served. That is the average price of a lunch to the student who pays. For each free lunch served the school must defray the forty cent cost.[8] The special assistance money is provided for this purpose. Although the special assistance money is allocated initially on a lump sum basis, a school district may not receive more than twenty-five cents per lunch. That means that each free lunch served by Modesto Schools would cost the schools a minimum of fifteen cents and more depending upon the number of free lunches served and the amount of special assistance money received. There are three ways to meet this additional cost of free lunches: (1) Increase the price charged for lunches over cost sufficient to meet the additional cost of free lunches, (2) Appropriate money from the general school budget, or (3) A combination of these two. Modesto schools employed the second because they felt the first was illegal. A Department of Agriculture official testified that the first alterative was not illegal, and I know of nothing in the statute of the regulations which would proscribe it.

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[1] See *Briggs* v. *Kerrigan*, —— F. Supp. —— (D. Mass. 1969) (Civ. No. 69–747–G, December 11, 1969), for a more complete discussion of the operation of the National School Lunch Act.

[2] In California the program is administered by the Department of Education.

[3] 42 U.S.C.A. § 1755 (1969).

[4] 7 U.S.C.A. § 612c (1964).

[5] 7 U.S.C.A. § 1431 (1969).

[6] 42 U.S.C.A. § 1753 (1969).

[7] 42 U.S.C.A. § 1759a (1969).

In preparing its plan for operation of the 1969–70 lunch program, the Board expected $22,000 in special assistance money. It allocated an additional $7,000 of district money and calculated how many free lunches it could provide with this amount. The estimate was 400 lunches per day. The Board then set its eligibility requirements to meet its estimate. The plaintiffs contend that the statute does not permit the Board to consider available funds in determining eligibility. In their view the statute requires the Board to set eligibility requirements in terms of need alone; the Board must then finance however many free lunches result, regardless of total cost, if the district continues in the federal lunch program.

My decision in plaintiffs' favor is primarily based upon the plain meaning of the statutory language. Where the meaning of a statute is plain, it must be obeyed, regardless of the inconvenience this may cause. *United States* v. *Fisher*, 2 Cranch (U.S.) 358, 2 L. Ed. 532 (1804). And, as Mr. Justice Holmes put it in *Roschen* v. *Ward*, 279 U.S. 337, 339 (1928): "[T]here is no canon against using common sense in construing laws as saying what they obviously mean." Section 9 says:

> "Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch." 42 U.S.C.A. § 1758 (1969).

The vagueness in the statute arises from the absence of criteria by which the school authorities are to determine who the needy children are; however, it is clear to me the statute mandates that the school authorities make a determination of which children are unable to pay, not how many children the school can afford to feed.

It is possible that in determining who is unable to pay, the School Board could have reached the same result by concluding that only children from families with incomes below 80% of the 1969 OEO poverty level could not pay the full cost of a lunch. But the Board made no determination of which *children* were unable to pay; its determination was based on how much the *schools* could afford to pay. That was where the determination was faulty and unacceptable under the Act. While there is nothing to indicate that the School Board was not acting in utmost good faith, it did not comply with the Act, and I must set aside its eligibility standards.

If, as the School Board argues, Congress did not intend that local school expenditures for free and reduced price lunches be unlimited, some indication of this should be expressed elsewhere in the statute. But it is nowhere stated that there should be a limitation on local school money in the school lunch program. The legislative history and the 1962 special assistance amendment indicate just the opposite. The committee hearings indicate that Congress expected local authorities to contribute their far share.[9] The special assistance appropriations inaugurated in 1962, which were specifically designed to help poor districts meet the cost of providing free or reduced price lunches, is clear evidence to me Congress intended local schools to insure that all needy chidren received lunches.[10]

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[8] The Act speaks of "reduced cost" lunches. 42 U.S.C.A. § 1758 (1969). For ease of administration Modesto schools do not provide reduced cost lunches as such to students who would be eligible for a reduction in price. Instead they provide so many free lunches for each one purchased by the student depending on need. This has the effect of providing reduced cost lunches without the additional administrative effort necessary to give various students different reductions on the cost of each lunch. So for the purposes of this discussion, it is only necessary to think in terms of free lunches provided by the schools.

[9] Hearings on S. 1820, 1824, "Assistance to States for School-Lunch Programs," 78th Cong., 2d sess., May 2–5, 1944, at 25–26, 47 and 63. Hearings on H.R. 2673, 3370, "Lunch Program," 79th Cong., 1st sess., March 23–May 24, 1945 (House Agriculture Committee) at 21, 79 and 103.

[10] *See* 42 U.S.C.A. § 1759a (1969).

The unfortunate part of the legislative scheme is that poorer districts, who are least are able to bear the added cost of providing free lunches, are precisely the ones required to provide the most free lunches. But until Congress alters its legislative scheme, I am bound to enforce it as written.

Since the federal school lunch program is purely voluntary, a school district which feels it cannot afford to meet the requirement of providing free lunches is free to drop out. So long as it chooses to participate, however, the district must comply fully with the terms of the Act.

Upon conclusion of the trial of this case, I issued a permanent injunction implementing my ruling. Its terms are set out in the margin.[11]

THOMAS J. MACBRIDE,
United States District Judge.

ATTENDANCE STATISTICS—MODESTO

MODESTO CITY SCHOOLS COMPENSATORY EDUCATION—AFDC CASES

	Total enrollment	Number of children on AFDC	Percentage
ELEMENTARY			
Shackelford [1]	500	226	45.2
Marshall-Robertson Road [1]	822	306	37.2
Bret Harte [1]	486	169	34.8
Orville Wright [1]	404	128	31.7
Washington [1]	358	113	31.6
Tuolumne [1]	430	134	31.2
Franklin [1]	578	118	20.4
Total	3,578	1,194	
Burbank	583	107	18.4
Fairview	248	43	17.3
Lincoln	367	53	14.4
Wilson	361	36	10.0
Sutter	357	35	9.8
Garrison	692	45	6.5
Beard	653	39	6.0
El Vista	649	30	4.6
Enslen	458	21	4.6
John Muir	422	17	4.0
Fremont	718	26	3.6
Everett	612	14	2.3
Rose Avenue	504	5	1.0
Total	6,624	471	
Combined total, target plus nontarget schools	10,202	1,665	
JUNIOR HIGH			
Mark Twain [1]	991	239	24.1
La Loma	858	78	9.1
Roosevelt	846	26	3.1
Combined total, target plus nontarget schools	2,695	343	
HIGH SCHOOL			
Modesto High School [1]	2,138	376	17.6
Downey High School	2,347	161	6.9
Davis High School	2,246	70	3.1
Combined total, target plus nontarget schools	6,731	607	

[1] Target school.

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[11] IT IS HEREBY ORDERED that as a condition of participation in the school lunch program under the National School Lunch Act the Governing Board of the Modesto City School District and High School District, and its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with it, except the State of California and the federal defendants named herein, be, and are hereby enjoined from:

1. Failing or refusing to adopt an eligibility standard which is based on a determination of children in the district who are unable to afford the full cost of a lunch.
2. Failing or refusing to make such a determination in terms of an eligibility criterion which includes, but need not be limited to, consideration of income, family size and the number of children in school.
3. Determining eligibility for participation in the free lunch program by considering the ability of the District to finance the free or reduced price lunch program.
4. Failing or refusing to provide a free or reduced price lunch to chidren whose family income is below the 1969 poverty level as determined by the Office of Economic Opportunity until such time as the Board complies fully with the provisions of this order set out above.

ATTENDANCE STATISTICS—MODESTO—Continued

MODESTO CITY SCHOOLS COMPENSATORY EDUCATION—AFDC CASES—Continued

JAN. 24, 1969, DATA

	Total enrollment	Number of children on AFDC	Percentage
ELEMENTARY			
Bret Harte [1]	400	196	49.0
Shackelford [1]	470	191	40.6
Orville Wright [1]	430	122	28.4
Marshall [1]	700	198	28.3
Robertson Road [1]	428	113	26.4
Washington [1]	315	78	24.8
Franklin [1]	584	138	23.6
Total	3,327	1,036	
Fairview	372	86	23.1
Wilson	407	82	20.1
Tuolumne	445	85	19.1
Burbank	494	90	18.2
Sutter	362	42	11.6
John Muir	497	45	9.1
Enslen	411	31	7.5
Beard	570	40	7.0
Garrison	604	40	6.6
El Vista	580	38	6.6
Fremont	630	31	4.9
Everett	675	16	2.4
Rose Avenue	594	8	1.3
Total	6,641	634	
Combined total, target plus nontarget schools	9,968	1,670	
JUNIOR HIGH			
Mark Twain [1]	858	153	17.8
LaLoma	881	42	4.8
Roosevelt	828	19	2.3
Combined total, target plus nontarget schools	2,567	214	
HIGH SCHOOL			
Modesto High School [1]	2,088	437	20.9
Downey High School	2,482	129	5.2
Davis High School	2,293	97	4.2
Combined total, target plus nontarget schools	6,863	663	

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[1] Target school.

FREE LUNCH REPORT AS OF FEB. 3, 1970

School	Children approved	Partial	Denied
Beard	15	3	1
Bret Harte	39	5	22
Burbank	15	12	14
Everett	0	0	0
El Vista	2	0	1
Enslen	7	3	2
Fairview	20	6	2
Franklin	29	27	7
Fremont	5	0	3
Garrison	0	0	5
Marshall	29	12	10
Muir	2	2	0
Rose Avenue	0	0	0
Robertson Road	54	11	32
Shackelford	28	14	10
Sutter	3	0	3
Tuolumne	31	9	0
Washington	18	7	3
O. Wright	25	16	8
Mark Twain	12	1	5
La Loma	10	0	9
Roosevelt	0	0	0
Davis	0	0	0
Downey	0	0	0
Modesto	6	0	9
Total	350	128	146

Note: Does not include emergencies; does not include earned lunches.

These figures represent action taken by the Supervisor of Attendance during the period from December 12, 1969, to February 3, 1970. Approvals are in effect to March 13, 1970, at the latest. This does not represent the number of children eating free lunches at any given school because of bussing and different grade levels. It represents applications taken from the school.

Children approved full time	350
Children approved part time	128
Total children approved	478
Provided by committee	18
Children served free lunches	496

USDA PROPOSED REGULATION REQUIRING STATE ELIGIBILITY STANDARD

[FNS(CN) Instruction 782-3, Rev. 2]

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C.

(Action by regional offices, State agencies)

PROCEDURES AND STANDARDS FOR DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES AND OTHER MEALS

I. PURPOSE

The purpose of this Instruction is to strengthen and expand the enforcement and monitoring of the requirements of Public Notice, Determining Eligibility for Free and Reduced Price Lunches and Other Meals, (hereafter referred to as the Notice).

II. ACTION BY STATE AGENCIES AND REGIONAL OFFICES

A. The State Agencies and Regional Offices should continue to work with the school food authorities and service institutions to see that each has an acceptable policy for determining eligibility of children for free and reduced price meals, and to establish the mechanics of implementing, in a satisfactory manner, the provisions of that policy. An acceptable policy is defined as one which meets the minimum requirements set forth in this Instruction.

B. Each State Agency and Regional Office *shall develop and issue*, in consultation, *a family size-income scale or scales which shall be the minimum criteria to be used by school food authorities and service institutions in the State for determining eligibility for free and reduced price meals.* Such scale(s) shall be of uniform applicability throughout the State except to the extent that variations are justified by varying economic conditions within the State. Such scale(s) must be reasonably related to the economic conditions within the State and must be approved by the Food and Nutrition Service (FNS). In States where the Regional Office administers the program in non-profit private schools or service institutions, identical scales for both public and private participants must be developed jointly by the appropriate State Agency and Regional Office.

C. The State Agency or Regional Office shall not accept a school or service institution policy which does not include an income scale which as a minimum meets the FNS approved family size-income standards released by the State Agency or Regional Office.

III. ACTION BY SCHOOLS AND SERVICE INSTITUTIONS

Each school food authority and service institution must file a statement containing the minimum requirements outlined in Section IV and V, below. However, boarding schools which by their very nature must feed all students, or day schools and institutions which as a standing policy serve meals to the entire enrollment either because meal service is included in the tuition or they have sufficient outside income to permit meal service to the entire enrollment, need not file a statement.

IV. MINIMUM REQUIREMENTS FOR POLICY STATEMENTS

Each policy statement must contain:

A. The title of the local officials(s) designated to determine which children are eligible.

B. A family size-income scale which *will be used* to determine eligibility for free or reduced price meals. This scale must meet the minimum standards released by the State Agency or Regional Office as set forth in Section II B of this Instruction and *must include* family income and number of persons in the family unit.

Further, in determining an individual's eligibility the determining official should take into account such factors as:

1. Number of children in family attending school.
2. Illness in family.
3. Unusual expenses.
4. Seasonal unemployment.

Reduced price meals will enable the school to provide lunches to a larger number of children when funds are limited. Schools with limited funds should serve free meals to the neediest children and reduced price meals to those who are less needy.

When reduced price as well as free meals are made available, income levels must be developed for each category. Reduced price meals must be in line with the definition set forth in FNS(SL) Instruction 782–1, Rev. 1, Reporting of Free and Reduced Price Lunches and Other Meals.

C. The title and address of the official(s) to whom appeal can be made. An official other than the one making the original determination must be designated.

D. A description of the method(s) used to collect payments from paying children and to account for free and reduced price meals. Such methods must protect the anonymity of the children receiving free and reduced price meals.

E. The following supporting data:

1. A copy of the proposed release to the informational media.
2. A copy of the letter to be sent home to parents.
3. A listing of the local welfare and private charitable agencies to be notified of the school's or service institution's free and reduced price policy.
4. Copy of the application form for free and reduced price meals.

V. REQUIREMENTS FOR SUPPORTING DATA (PUBLIC ANNOUNCEMENT AND APPLICATION FORM)

A. Public announcement:

1. The public announcement must be made at least twice a year, at the beginning of the school year and at mid-term, through the information media and by letters home to parents.

2. The public announcement must contain, as a minimum:
   - a. Information on how to apply.
   - b. The family size-income scale to be used.
   - c. Information on where the entire policy can be reviewed.

3. In addition, school food authorities and service institutions must notify local welfare departments, private charitable agencies, and community action agencies providing service within the area or school district, of the policies and criteria relating to free and reduced price meals.

B. The application form:

1. Must provide for simple statements of family income, family size, and hardship factors.

2. Is to be used either by the individual applicant or to be filled out by the school as a record of application and action taken.

VI. EVALUATING PERFORMANCE OF SCHOOL FOOD AUTHORITIES AND SERVICE INSTITUTIONS UNDER REQUIREMENTS OF THE NOTICE

A. State Agencies and Regional Offices shall review and evaluate the implementation of the accepted policy statement during the course of administrative reviews.

B. Prior to renewal of a school authority's or service institution's agreement at beginning of each fiscal year, the State Agencies or Regional Offices shall obtain assurance that the policy statement on file is still applicable to the current times and economic conditions and that the public announcement for the current period has been released. The policy statement should be amended or revised as needed.

VII. EFFECTIVE DATE

A. They must supply schools and service institutions under their jurisdiction with a copy of the approved scale(s) by June 30, 1970.

B. Schools and service institutions must have an acceptable policy statement on file in the State Agency or Regional Office, where applicable, at least two weeks prior to the service of meals for which reimbursement will be claimed under the National School Lunch, School Breakfast, or Special Food Service Programs.

——— ———, *Administrator.*

STATEMENT OF ORVILLE FREEMAN

CONGRESSIONAL TESTIMONY OF ORVILLE L. FREEMAN

Generally speaking, there has been a refusal by the States and localities to comply with the law which says very clearly that the poor kid should get a free lunch. The law also says that who are poor kids will be determined by the local authorities. So, they make their determination and they say that this is a relative term. If we take limited funds and give a lunch free to the poorest kid, we will have to take it away from the other kids and therefore we are just going to spread it and make it available to everyone equally. Very frankly, we have not been able to do anything about it. We have been cajoling and working and urging, trying to get them to live up to the law.

Hearing before Committee on Education and Labor, House of Representatives, 90th Cong., 2nd Session on H.R. 17144, H.R. 17145, H.R. 17146, H.R. 17872, H.R. 17873 and Various Bills to Establish a Commission on Hunger, Testimony of Orville L. Freeman, May 22, 1968, p. 173.

POLICY STATEMENT OF CALIFORNIA WELFARE DEPARTMENT ON FREE LUNCHES

CIRCULAR LETTER NO. 1422 (AFDC), CALIFORNIA DEPARTMENT OF SOCIAL WELFARE, NOVEMBER, 5, 1963

To: County welfare departments.
Subject: Use of National School Lunch Program for Aid to Families With Dependent Children (AFDC) Families.

The State Department of Education has brought to our attention the availability of the National School Lunch Program as a resource for children in families receiving public assistance. The National School Lunch Program is a federal grant and aid program established for the dual purpose of helping to provide nutritious lunches for children at school and providing increased outlets for agricultural food products. The regulation governing this program provides that lunch shall be provided free or at a reduced charge to those children unable to pay full cost. Determination of need is a responsibility of the governing Board of the local school district.

We are currently working with Mr. Hemphill, Supervisor of the School Lunch Program in the State Department of Education, in developing some guide lines which will be helpful to local districts in their determination of need.

In the meantime, I am calling to your attention the possibility of free school lunches to children in families receiving AFDC. Regulation C–211 and Regulation C–212.35 B relate to this program as a possible resource. The amount allowed for food in the Cost Schedule does not provide for purchase of lunches but is based on a minimum food budget for meals prepared at home. Therefore, children could be considered eligible for free school lunches without any deduction made from the grant under the regulations cited above.

As stated above, the determination of which children are needy and therefore eligible for free lunches through the National School Lunch Program, is made by the governing Board of local school districts. I would suggest, therefore, that you discuss this with your local school officials to determine if children receiving AFDC or General Relief could receive school lunches free.

If you find any difficulty in working this out in your local school district, will you get this information to your area office so we may discuss this with the Department of Education.

NEED SCHEDULE OF CALIFORNIA WELFARE DEPARTMENT

AID TO FAMILIES WITH DEPENDENT CHILDREN: COST SCHEDULE FOR FAMILY BUDGET UNITS

(State of California Department of Social Welfare—Issued April 1968; priced October 1967)

THE CODED COST SCHEDULE

"Family Composition" as used in the Coded Cost Schedule tables consists of the groupings and arrangements illustrated below. The number of family members in each box determines the four digit code.

0	FEMALE 13 years and over and Incapacitated Adult Male
0	MALE 13 years and over
0	Children 7 through 12 years
0	Infant through 6 years

"Amounts" shown in the Coded Cost Schedule tables represent the combined total of allowances for the following items: Food, Clothing, Personal Needs, Recreation, Transportation, Household Operations, Education and Incidentals, Utilities, Housing, Intermittent Needs.

PARTICIPATION BASE

A. Children living with one parent or other relative:

Number of children:	Amount
1	$148
2	172
3	221
4	263
5	300
6	330
7	355
8	373
9	386
10	392
11	399
12	405
13	412
14	418
15	424

B. Children living with two eligible parents:

Number of children:	Amount
1	$166
2	191
3	239
4	282
5	318
6	349
7	373
8	392
9	404
10	411
11	417
12	424
13	430
14	437
15	443

Plus $6 for each additional child

EXCEPTIONS

THE AFDC CODED COST SCHEDULE which follows is designed to include coded allowances for families which are composed of up to 10 persons and which do not include more than 5 persons in any one of the four age groups. If either of these conditions is not met the following procedure is to be followed:

A. For families with more than ten persons in the Family Budget Unit (F.B.U.) OR with more than five persons in any age group.

   1. Step 1: Find the appropriate code in the schedule for a ten person family budget unit OR for five persons in a given age group.

      Step 2: Add to it the following amount(s) based on the age(s) of the additional person(s)

INDIVIDUAL ALLOWANCES

FEMALE 13 years and over and incapacitated Adult Male	MALE 13 years and over	CHILD 7 through 12 years	INFANT and CHILD 1 through 6 years
$43.70	$49.75	$39.10	$28.55

B. FAMILY BUDGET UNIT AMOUNTS TO BE ADDED TO THE ABOVE INDIVIDUAL ALLOWANCES

   1. For family with pregnant mother add $20.00 to total budget.

   2. For families with more than 10 in the Family Budget Unit.

One additional person	$ 3.30
Two additional persons	8.60
Three " "	11.90
Four " "	16.20
Five " "	19.50
Six " "	23.80

   3. For families with more than 5 in any age group.

Sixth person in F.B.U.	$10.35
Seventh " "	3.40
Eighth " "	8.15
Ninth " "	3.10
Tenth " "	8.40
Eleventh " "	3.30
Twelfth " "	5.30
Thirteenth & over "	3.30 each

EXAMPLES

MORE THAN 10 IN F.B.U.

If the total family is 12 persons	5	5	1	1		
For the "group allowance" refer to the coded cost schedule	5	5	0	0	=	$583.00
Refer to "A" above for individual allowances.			1		=	39.10
for additional persons				1	=	28.55
Refer to "B" above for F.B.U. allowances for additional persons	(2 persons)				=	8.60
TOTAL ALLOWANCE						$659.25

MORE THAN 5 IN ANY AGE GROUP

If the family composition is	7	1	1	1		
For the "group allowance" refer to the coded cost schedule	5	1	1	1	=	$440.00
Refer to "A" above for individual allowances for additional persons	2 (@ $43.70)				=	87.40
Refer to "B" above for F.B.U. allowances for total persons in the F.B.U.	(9th pers $3.10) (10th pers. 8.40)				=	11.50
TOTAL ALLOWANCE						$538.90

CODED COST SCHEDULE

FAMILY COMPOSITION	AMOUNT
0001	$ 89
0002	126
0003	153
0004	193
0005	225
0010	$100
0011	137
0012	164
0013	203
0014	235
0015	274
0020	$148
0021	174
0022	213
0023	246
0024	285
0025	316
0030	$185
0031	224
0032	256
0033	295
0034	327
0035	364
0040	$234
0041	267
0042	305
0043	337
0044	374
0045	406
0050	$277
0051	316
0052	348
0053	385
0054	416
0055	453

FAMILY COMPOSITION	AMOUNT
0100	$112
0101	148
0102	175
0103	214
0104	246
0105	285
0110	$159
0111	185
0112	224
0113	256
0114	295
0115	327
0120	$195
0121	235
0122	267
0123	306
0124	338
0125	374
0130	$245
0131	277
0132	316
0133	348
0134	385
0135	417
0140	$288
0141	327
0142	359
0143	395
0144	427
0145	464
0150	$337
0151	369
0152	406
0153	438
0154	475

FAMILY COMPOSITION	AMOUNT
0200	$171
0201	196
0202	235
0203	267
0204	306
0205	338
0210	$206
0211	245
0212	277
0213	316
0214	348
0215	385
0220	$256
0221	288
0222	327
0223	359
0224	396
0225	427
0230	$298
0231	337
0232	369
0233	406
0234	438
0235	475
0240	$348
0241	380
0242	417
0243	448
0244	485
0250	$390
0251	427
0252	459
0253	496

FAMILY COMPOSITION	AMOUNT
0300	$217
0301	256
0302	288
0303	327
0304	359
0305	396
0310	$267
0311	299
0312	338
0313	370
0314	406
0315	438
0320	$309
0321	348
0322	380
0323	417
0324	448
0325	485
0330	$359
0331	390
0332	427
0333	459
0334	496
0340	$401
0341	438
0342	469
0343	506
0350	$448
0351	480
0352	517

FAMILY COMPOSITION	AMOUNT
0400	$277
0401	309
0402	348
0403	380
0404	417
0405	449
0410	$320
0411	359
0412	391
0413	427
0414	459
0415	496
0420	$369
0421	401
0422	438
0423	470
0424	507
0430	$412
0431	448
0432	480
0433	517
0440	$459
0441	491
0442	528
0450	$501
0451	538
0500	$330
0501	369
0502	401
0503	438
0504	470
0505	507

FAMILY COMPOSITION	AMOUNT
0510	$380
0511	412
0512	449
0513	480
0514	517
0520	$422
0521	459
0522	491
0523	528
0530	$470
0531	501
0532	538
0540	$512
0541	549
0550	$559
1000	$105
1001	142
1002	169
1003	208
1004	240
1005	279
1010	$153
1011	179
1012	218
1013	250
1014	289
1015	321
1020	$189
1021	229
1022	261
1023	300
1024	332
1025	368

CODED COST SCHEDULE

FAMILY COMPOSITION	AMOUNT
1030	$239
1031	271
1032	310
1033	342
1034	379
1035	411
1040	$282
1041	321
1042	353
1043	389
1044	421
1045	458
1050	$331
1051	363
1052	400
1053	432
1054	469
1100	$164
1101	190
1102	229
1103	261
1104	300
1105	332
1110	$200
1111	239
1112	271
1113	310
1114	342
1115	379
1120	$250
1121	282
1122	321
1123	353
1124	390
1125	421

FAMILY COMPOSITION	AMOUNT
1130	$292
1131	331
1132	363
1133	400
1134	432
1135	469
1140	$342
1141	374
1142	410
1143	442
1144	479
1150	$384
1151	421
1152	453
1153	490
1200	$211
1201	250
1202	282
1203	321
1204	353
1205	390
1210	$260
1211	293
1212	332
1213	363
1214	400
1215	432
1220	$303
1221	342
1222	374
1223	411
1224	442
1225	479

FAMILY COMPOSITION	AMOUNT
1230	$352
1231	384
1232	421
1233	453
1234	490
1240	$395
1241	432
1242	463
1243	500
1250	$442
1251	474
1252	511
1300	$271
1301	303
1302	342
1303	374
1304	411
1305	443
1310	$314
1311	353
1312	395
1313	421
1314	453
1315	490
1320	$363
1321	395
1322	432
1323	464
1324	501
1330	$406
1331	442
1332	474
1333	511

FAMILY COMPOSITION	AMOUNT
1340	$453
1341	485
1342	522
1350	$495
1351	532
1400	$324
1401	363
1402	395
1403	432
1404	464
1405	501
1410	$374
1411	406
1412	443
1413	474
1414	511
1420	$416
1421	453
1422	485
1423	522
1430	$464
1431	495
1432	532
1440	$506
1441	543
1450	$553
1500	$385
1501	417
1502	453
1503	485
1504	522

FAMILY COMPOSITION	AMOUNT
1510	$427
1511	464
1512	455
1513	532
1520	$474
1521	506
1522	543
1530	$516
1531	553
1540	$564
2000	$157
2001	184
2002	223
2003	255
2004	294
2005	326
2010	$194
2011	233
2012	265
2013	304
2014	326
2015	373
2020	$244
2021	276
2022	315
2023	347
2024	384
2025	415

FAMILY COMPOSITION	AMOUNT
2030	$286
2031	325
2032	357
2033	394
2034	426
2035	463
2040	$336
2041	368
2042	404
2043	436
2044	473
2050	$378
2051	415
2052	447
2053	484
2100	$205
2101	244
2102	276
2103	315
2104	347
2105	384
2110	$254
2111	287
2112	325
2113	357
2114	394
2115	426
2120	$257
2121	336
2122	368
2123	405
2124	436
2125	473

CODED COST SCHEDULE

FAMILY COMPOSITION	AMOUNT
2130	$346
2131	370
2132	415
2133	447
2134	484
2140	$389
2141	426
2142	457
2143	494
2150	$436
2151	468
2152	505
2200	$265
2201	297
2202	336
2203	368
2204	405
2205	437
2210	$308
2211	347
2212	379
2213	415
2214	447
2215	484
2220	$357
2221	389
2222	426
2223	458
2224	495
2230	$400
2231	436
2232	468
2233	505

FAMILY COMPOSITION	AMOUNT
2240	$447
2241	479
2242	516
2250	$489
2251	526
2300	$318
2301	357
2302	389
2303	426
2304	458
2305	495
2310	$368
2311	400
2312	437
2313	468
2314	505
2320	$410
2321	447
2322	479
2323	516
2330	$457
2331	489
2332	526
2340	$500
2341	537
2350	$547
2400	$379
2401	410
2402	447
2403	475
2404	516

FAMILY COMPOSITION	AMOUNT
2410	$421
2411	458
2412	489
2413	526
2420	$460
2421	500
2422	537
2430	$510
2431	547
2440	$558
2500	$432
2501	468
2502	500
2503	537
2510	$479
2511	511
2512	548
2520	$521
2521	558
2530	$569
3000	$199
3001	238
3002	270
3003	309
3004	341
3005	378

FAMILY COMPOSITION	AMOUNT
3010	$248
3011	281
3012	319
3013	351
3014	388
3015	420
3020	$291
3021	330
3022	362
3023	399
3024	430
3025	467
3030	$340
3031	372
3032	409
3033	441
3034	470
3040	$383
3041	420
3042	451
3043	488
3050	$430
3051	462
3052	499
3100	$259
3101	291
3102	330
3103	362
3104	399
3105	431

FAMILY COMPOSITION	AMOUNT
3110	$302
3111	341
3112	373
3113	409
3114	441
3115	478
3120	$351
3121	383
3122	420
3123	452
3124	489
3130	$354
3131	430
3132	462
3133	499
3140	$441
3141	472
3142	509
3150	$483
3151	520
3200	$312
3201	351
3202	383
3203	420
3204	452
3205	489
3210	$362
3211	394
3212	431
3213	462
3214	499

FAMILY COMPOSITION	AMOUNT
3220	$404
3221	441
3222	473
3223	510
3230	$451
3231	483
3232	520
3240	$454
3241	531
3250	$541
3300	$372
3301	404
3302	441
3303	473
3304	510
3310	$415
3311	452
3312	483
3313	520
3320	$462
3321	494
3322	531
3330	$504
3331	541
3340	$552
3400	$426
3401	462
3402	494
3403	531

CODED COST SCHEDULE

FAMILY COMPOSITION	AMOUNT
3410	$473
3411	505
3412	542
3420	$515
3421	552
3430	$563
3500	$484
3501	515
3502	552
3510	$526
3511	563
3520	$573
4000	$253
4001	285
4002	324
4003	356
4004	393
4005	425
4010	$296
4011	335
4012	367
4013	403
4014	435
4015	472
4020	$345
4021	377
4022	414
4023	446
4024	482

FAMILY COMPOSITION	AMOUNT
4030	$388
4031	424
4032	456
4033	493
4040	$435
4041	466
4042	503
4050	$477
4051	514
4100	$306
4101	345
4102	377
4103	414
4104	446
4105	483
4110	$356
4111	388
4112	424
4113	456
4114	493
4120	$398
4121	435
4122	467
4123	504
4130	$445
4131	477
4132	514
4140	$488
4141	525
4150	$535

FAMILY COMPOSITION	AMOUNT
4200	$366
4201	398
4202	435
4203	467
4204	504
4210	$409
4211	446
4212	477
4213	514
4220	$456
4221	488
4222	525
4230	$498
4231	535
4240	$546
4300	$420
4301	456
4302	488
4303	525
4310	$467
4311	499
4312	536
4320	$509
4321	546
4330	$556
4400	$478
4401	509
4402	546
4410	$520
4411	557

FAMILY COMPOSITION	AMOUNT
4420	$567
4500	$530
4501	567
4510	$578
5000	$300
5001	339
5002	371
5003	408
5004	440
5005	477
5010	$350
5011	382
5012	418
5013	450
5014	487
5020	$392
5021	429
5022	461
5023	498
5030	$439
5031	471
5032	508
5040	$482
5041	519
5050	$529
5100	$360
5101	392
5102	429
5103	461
5104	498

FAMILY COMPOSITION	AMOUNT
5110	$403
5111	440
5112	471
5113	508
5120	$450
5121	482
5122	519
5130	$452
5131	529
5140	$540
5200	$414
5201	450
5202	482
5203	519
5210	$461
5211	493
5212	529
5220	$503
5221	540
5230	$550
5300	$471
5301	503
5302	540
5310	$514
5311	551
5320	$561

FAMILY COMPOSITION	AMOUNT
5400	$524
5401	561
5410	$572
5500	$583

CHILDREN LIVING IN FAMILY GROUPS
ITEMIZED COST SCHEDULE - MONTHLY ALLOWANCE

AID TO FAMILIES WITH DEPENDENT CHILDREN

AGE GROUPS	INDIVIDUAL ALLOWANCES PER MONTH					
	FOOD*	CLOTHING	PERSONAL NEEDS	RECREATION	TRANSPORTATION	TOTAL
FEMALE 13 years and over and Incapacitated Adult Male	$27.70	$10.85	$2.40	$1.75	$1.00	$43.70
MALE 13 years and over	32.55	12.85	2.35	1.00	1.00	49.75
CHILD 7 through 12 years	26.30	9.70	1.60	.50	1.00	39.10
INFANT and CHILD 1 through 6 years	19.90	6.75	.90	--	1.00	28.55

MONTHLY ALLOWANCES FOR FAMILY BUDGET UNIT

F. B. U. SIZE	1	2	3	4	5	6	7	8	9	10
HOUSEHOLD OPERATIONS	$ 6.00	$ 8.05	$ 8.95	$11.30	$12.55	$14.70	$15.90	$ 17.95	$ 19.10	$ 21.50
EDUCATION and INCIDENTALS	1.75	2.00	2.25	2.50	2.75	3.00	3.25	3.50	3.75	4.00
UTILITIES**	12.25	12.90	13.15	13.40	13.60	13.85	13.95	14.10	14.10	14.10
HOUSING	37.00	39.00	40.00	47.00	48.00	55.00	56.00	61.00	62.00	67.00
INTERMITTENT NEEDS	1.75	2.50	3.25	4.00	4.75	5.50	6.25	7.00	7.75	8.50
TOTALS	$58.75	$64.45	$67.60	$78.20	$81.65	$92.05	$95.35	$103.55	$106.70	$115.10

* When computing a family's needs from this schedule an adjustment of 10 percent of food allowances is to be added for families of one and two persons.

** Lighting, appliances, refrigeration; cooking, water heating; space heating; water; garbage removal; sewer charge.

Food Pricing Group 2
Stanislaus County

CHILDREN LIVING IN FAMILY GROUPS
ITEMIZED COST SCHEDULE - WEEKLY AND SEMIMONTHLY ALLOWANCES

AID TO FAMILIES WITH DEPENDENT CHILDREN

INDIVIDUAL ALLOWANCES

AGE GROUPS	ALLOWANCES PER WEEK			ALLOWANCES SEMIMONTHLY		
	FOOD*	OTHER PERSONAL ITEMS**	TOTAL	FOOD	OTHER PERSONAL ITEMS**	TOTAL
FEMALE 13 years and over and Incapacitated Adult Male	$6.40	$3.70	$10.10	$13.85	$8.00	$21.85
MALE 13 years and over	7.50	3.95	11.45	16.30	8.60	24.90
CHILD 7 through 12 years	6.05	2.95	9.00	13.15	6.40	19.55
INFANT and CHILD 1 through 6 years	4.60	2.00	6.60	9.95	4.30	14.25

WEEKLY ALLOWANCES FOR FAMILY BUDGET UNIT

F. B. U. SIZE	1	2	3	4	5	6	7	8	9	10
HOUSEHOLD OPER., EDUC. & INCID., and INTERMITT. NEEDS	$ 2.20	$ 2.90	$ 3.35	$ 4.10	$ 4.65	$ 5.35	$ 5.85	$ 6.55	$ 7.05	$ 7.85
UTILITIES***	2.85	3.00	3.05	3.10	3.15	3.20	3.20	3.25	3.25	3.25
HOUSING	8.55	9.00	9.25	10.85	11.10	12.70	12.90	14.10	14.30	15.45
TOTALS	$13.60	$14.90	$15.65	$18.05	$18.90	$21.25	$21.95	$23.90	$24.60	$26.55

SEMIMONTHLY ALLOWANCES FOR FAMILY BUDGET UNIT

F. B. U. SIZE	1	2	3	4	5	6	7	8	9	10
HOUSEHOLD OPER., EDUC. & INCID., and INTERMITT. NEEDS	$ 4.75	$ 6.30	$ 7.20	$ 8.90	$10.00	$11.60	$12.70	$14.20	$15.30	$17.00
UTILITIES***	6.10	6.45	6.60	6.70	6.80	6.90	7.00	7.05	7.05	7.05
HOUSING	18.50	19.50	20.00	23.50	24.00	27.50	28.00	30.50	31.00	33.50
TOTALS	$29.35	$32.25	$33.80	$39.10	$40.80	$46.00	$47.70	$51.75	$53.35	$57.55

* When computing a family's needs from this schedule an adjustment of 10 percent of food allowances is to be added for families of one and two persons.

** Clothing, personal needs, recreation, transportation.

*** Lighting, appliances, refrigeration; cooking, water heating; space heating; water; garbage removal; sewer charge.

Food Pricing Group 2
Stanislaus County

CHILDREN LIVING WITH NON-NEEDY RELATIVES

AID TO FAMILIES WITH DEPENDENT CHILDREN - MANUAL SECTION 44-219

AGE GROUPS	INDIVIDUAL ALLOWANCES PER MONTH					
	FOOD	CLOTHING	PERSONAL NEEDS	RECREATION	TRANSPORTATION	TOTAL
FEMALE 13 through 20 years	$27.70	$10.85	$2.40	$1.75	$1.00	$43.70
MALE 13 through 20 years	32.55	12.85	2.35	1.00	1.00	49.75
CHILD 7 through 12 years	26.30	9.70	1.60	.50	1.00	39.10
INFANT and CHILD 1 through 6 years	19.90	6.75	.90	--	1.00	28.55

ADDITIONAL ALLOWANCES

Number of Children	Amount
1	$18.75
2	33.05
3	45.20
4	49.80
5	52.30
6	56.70
7	59.15
8	63.45
9	65.85
10	70.50

Food Pricing Group 2

MONTHLY AMOUNTS TO BE ADDED FOR THERAPEUTIC DIETS
WHEN ALLOWABLE UNDER MANUAL SECTION 44-265

DIET	MALE	FEMALE and Incapacitated Adult Male	MALE 16-20 YEARS	FEMALE 16-20 YEARS	MALE 13-15 YEARS	FEMALE 13-15 YEARS	CHILD 10-12 YEARS	CHILD 7-9 YEARS	CHILD 4-6 YEARS	CHILD 1-3 YEARS
DIABETIC, ADULT 1200 calories	$ --	$ .85	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
DIABETIC, ADULT 1500 calories	--	3.50	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
DIABETIC, ADULT & CHILD 1800 calories	1.60	6.45	$ --	$5.30	$ --	$5.30	$6.70	$6.70	XXX	XXX
DIABETIC, ADULT 2200 calories	5.70	10.55	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
DIABETIC CHILD 2600 calories	XXX	XXX	7.60	12.45	7.60	12.45	13.85	13.85	XXX	XXX
HIGH CALORIC HIGH PROTEIN Children	XXX	XXX	17.85	10.70	12.45	12.00	5.90	4.80	7.75	3.75
HIGH CALORIC HIGH PROTEIN Moderate need, 3000 cal. 100 gm. protein	1.45	6.30								
HIGH CALORIC HIGH PROTEIN Severe need, 3400 cal. 125 gm. protein	6.55	11.40								
PREGNANCY 4th month onward	XXX	8.60								
LACTATION	XXX	12.85								
BLAND	3.50	8.35								
LOW CALORIC 1500 calories	--	2.35								
LOW FAT LOW CHOLESTEROL 50 gm. fat	.65	5.50								
VERY LOW SODIUM NAO .5 to 1.5 gm.	1.95	6.80								
LOW SODIUM NA 1.5 to 3.0 gm.	--	5.15								

Duffy Report, California Legislature on Malnutrition

California Legislature Assembly on Health & Welfare

Members of the Committee: GORDON DUFFY, Chairman; KEN MacDONALD, Vice Chairman; Yvonne W. Brathwaite; William Campbell; Eugene Chappie; Earle Crandall; Mike Cullen; James Hayes; Tom Hom; John Miller; Kent Stacey; L. E. Townsend; Henry Waxman; James A. Lane, Coordinator; Robert R. Rosenberg, Consultant.

The Assembly of the State of California: Hon. Robert T. Monagan, Speaker; Hon. Charles J. Conrad, Speaker pro Tempore; Hon. Craig W. Biddle, Majority Floor Leader; Hon. Jesse M. Unruh, Minority Floor Leader; James D. Driscoll, Chief Clerk.

Malnutrition: One Key to the Poverty Cycle

INTRODUCTION

[Witness: . . . Lower intelligence caused by poor childhood nutrition and compounded by lower intelligence caused by other aspects of poverty results in adults who are unemployable in a technological society. Because unemployable adults are bound to be poor adults, their children will be raised in hunger and poverty. We fear that the number of families struggling out of this vicious circle—or whirlpool—of poverty is falling. Our nation, conceived as a haven of equality of opportunity, is in grave danger of creating a permanent caste of the poor.][*]

The keynote of this report is *urgency*.

The time has come for the people of California and their elected representatives to face with all seriousness the fact that our present social welfare policies perpetuate and aggravate poverty.

This happens because present policy fails to protect low-income children from conditions which breed future economic dependency. This report focuses on a major obstacle to normal, healthy child development—the damaging effects of malnutrition on the physical and mental growth and development of the children of low-income families.

There is substantial evidence linking malnutrition in children with impaired physical and mental development. There is mounting evidence that hundreds of thousands of California children live in families whose incomes are so low that maintaining an adequate diet is a daily struggle, at best precarious and all too often impossible.

There is little new in these findings. The average citizen knows that well-fed babies and children will grow and develop better than those who are malnourished. He also knows that there are large numbers of impoverished persons in our society who cannot afford adequate diets.

What the average citizen may not know is that the great majority of California children who are in danger of becoming victims of malnutrition are dependent mainly upon public welfare funds for subsistence. There are more than 750,000 children in California receiving Aid to Families with Dependent Children (AFDC). The incomes of more than half of these children are arbitrarily limited by one state law to an amount less than that defined by another state law as being minimally adequate.

The contribution of new evidence on the relationship between poverty, malnutrition, and impaired child development has brought the inconsistency in California's public welfare policy toward children into sharp focus. It has led this committee to the conclusion that changes in that policy are absolutely and immediately imperative.

The irony of persistent poverty in a nation as affluent as the United States was a constant theme of the 1960's. Equally ironic has been the continued shortage of skilled manpower needed by our technological society at a time when millions of persons are unemployed.

Obviously, if we could endow the unemployed with the skills needed to fill available jobs, many of our economic and social problems would be greatly reduced. It has become fashionable, therefore, to fault our educational institutions for failing to train children in the skills and abilities required for participation in a modern technological society.

Much of this criticism of our educational institutions may be well-founded. We know that educational attainments of many low-income people are below the norm. We know that many people would not be poor, or would be less poor, if they had been better educated.

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[*] All comments enclosed in brackets in this report are from testimony presented in hearings before the committee.

Unfortunately, it is only recently that we have begun to invest to any significant extent in programs designed to overcome obstacles to learning encountered by the children of low-income families, obstacles created by the environment of poverty.

However, even the most sophisticated and expensive compensatory education cannot restore a poor child's ability to compete intellectually on equal terms if that child's potential for intellectual development has been irreversibly impaired by malnutrition.

If it has become fashionable to criticize the education system, it has become almost a ritual to criticize the welfare system. There is little doubt that the welfare system, as it has grown haphazardly over more than thirty years, is almost unmanageable in its tangle of arbitrary rules and regulations. There is little doubt that the addition of "social services" to the welfare system in an attempt to reduce or alleviate the problems associated with life in poverty has produced little in the way of tangible results.

Whether or not the present family welfare program, AFDC, should be reformed or replaced is secondary to the committee's immediate concern. Whether or not better incentives to self-support must be developed, or better methods of overcoming the failures and inadequacies of AFDC parents can be found, are critical questions which demand and are receiving major attention. But while answers are being developed, hundreds of thousands of AFDC children continue to live in daily jeopardy of malnutrition.

The pressing issue to which this report is addressed is how to assure that *every* child in this state will be adequately fed, so that to this extent at least poverty will be prevented from laying claim to another generation.

Such a guarantee is demanded not only because we are a humanitarian society, but because we are dedicated to preserving the welfare of all our people. The lesson of the past decade is that the continuing existence of a large class of economically dependent people is a source of frustration, anxiety and conflict to the entire society, its cost immensely greater than even the enormous costs we can measure in dollars.

The time to begin breaking the cycle is now! The first step, as recommended by this report, is to act immediately to reduce the vulnerability of low-income children to malnutrition.

SUMMARY OF RECOMMENDATIONS

The committee recommends:

I. All families eligible for California's program of Aid to Families with Dependent Children (AFDC) should receive adequate assistance so that their total income equals the minimum amount required to maintain sound nutrition and safe healthful living conditions for their children.[1] This should be accomplished by:

A. Raising the AFDC maximum participating base (MPB) so that the total purchasing power of a family, including food stamps, will equal its minimum needs.

B. Establishing an automatic adjustment in the maximum AFDC grant so it reflects changes in the cost of living, as is now done in the welfare programs for the aged, blind and disabled.

C. Assuring that all counties in California have a food stamp program so all low-income persons will have access to the increased food purchasing power made possible through this program; and establishing a check-off system so that welfare recipients will automatically receive food stamps with their welfare checks, thus reducing county administrative costs.

II. All economically needy school children in California should be provided free or reduced price school meals. This should be accomplished by:

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[1] The Committee's overriding concern in this recommendation is that no family should suffer from malnutrition because of lack of funds to purchase food. Malnutrition can also result from lack of knowledge of what constitutes a proper diet, and lack of concern about providing an adequate diet. These problems can lead to Malnutrition in any family, regardless of income, and cannot be solved by money. Our educational institutions can and should do much more instruction on nutrition. Welfare departments can and should more effectively discharge their duty to provide instruction and counseling to welfare families whose nutrition problems are not simply lack of money, if the money problem can be eliminated, other needed services should be greatly sharpened.

> A. Passing an urgency statute appropriating adequate state funds to meet this objective until Congress acts.
>
> B. Urgently recommending to the Congress of the United States that it immediately honor its commitment under the National School Lunch Act of 1946, by appropriating sufficient funds to assure that every child wishing to eat at school can receive a nutritious meal at a price his family can afford.

MALNUTRITION AND CHILD DEVELOPMENT

[Question: Does malnutrition cause retardation?

[Witness: Yes. . . . It is well-established that the levels of chronic hunger which we inflict on welfare recipients cause slower development and small growth throughout the body and are manifested even in such gross measures as weight and height. There is no reason to expect the brain to be any exception to this rule.

[In fact, there is reason to expect that hunger during pregnancy, infancy and early childhood has an *even more severe* effect upon the brain than on other organs. The reason for this is that the brain reaches its full development much earlier than most of the body. By the time a child is three years old, his brain weighs ⅘ of its final adult weight, while the rest of the body still has ⅘ of its growing to accomplish. When the child is four, the brain is 90% developed.]

There is mounting evidence linking malnutrition in children with below normal physical and mental development:

> Lack of sufficient protein in the diet of a pregnant woman has been identified as a cause of mental retardation in the child.
>
> A human infant's brain grows by division of cells in utero and for six months after birth. After six months, even good nutrition can do nothing to increase the number of brain cells; a malnourished infant's capacity for learning may therefore already be limited before he is a year old.

[Witness: . . . (I want to present the committee with) some findings from the rural area of eastern Kentucky where malnutrition is endemic, as it is among much of our welfare population in California . . . These findings are on height of children. They found in that study that about 30% of the children were below the *third* percentile of the normal height distribution. That means that 30% of the children were as short as you would expect only 3% of the children to be. This is one of the effects of malnutrition.

[Now let's extrapolate that to see how we'd expect that to affect intelligence. The brain is affected proportionately as the whole body is in height. In the normal population, you'd expect about 3% of the population to have IQ's below 70 . . . that is the legal definition of mental retardation—the borderline is at the third percentile of the normal distribution of IQ. If the effect on the brain of malnutrition is the same as it is on height, then we would expect about 30% of people so malnourished to fall below 70 in IQ.

[In other words you would expect the incidence of mental retardation in a population as malnourished as our welfare population to be *ten times* what you would expect in a well-fed population—at least that much. I think you will find that the statistics on the distribution of mental retardation according to socio-economic class are quite consistent with that estimate of ten times as much as we would have otherwise.]

> A child's brain grows to four-fifths of its adult weight in the first three years of life. A child subjected to malnutrition in utero and/or during his first three years is three to ten times more vulnerable to mental retardation or stunted physical and mental development than is a well-fed child.
>
> Screening for the State's largest pre-school education program for low-income children found eight percent of the three to five year olds to be suffering from "gross nutritional neglect". Cases of advanced stages of rickets were found. Over 50 percent of the children needed extensive dental repair work. All of these findings are believed to be directly attributable to deficient diet prior to age three.

[Witness: (Referring to preliminary nation-wide findings of the National Nutrition Survey with respect to low income children.) . . . Approximately four percent of infants and children less than six years of age showed some signs of protein-calorie malnutrition. Five percent showed goiter or thyroid enlargement. There were eight cases of Bitot spots in the eyes, a sign of vitamin A deficiency. Four percent of the persons surveyed showed gum lesions characteristic of vitamin C deficiency. Of the children studied between the ages of one and three, three times the expected number fell below the 16th percentile on the

Iowa growth chart. The dental findings were the most prominent, although of course . . .

[Question: Excuse me. Would you repeat that last statement? That's quite a dramatic statement you just made, that *three* times the expected number . . .

[Witness: . . . Fell below the 16th percentile on the Iowa growth chart.

[Question: The 16th percentile . . . is a very low percentile. . . You could almost say, then . . . that three times as many children in this (low-income) population did not show expected growth.

[Witness: Yes, that's exactly what it means . . .]

HOW MUCH MALNUTRITION?

Malnutrition exists when a person does not ingest adequate nutrients. The number of malnourished California children and the levels of malnutrition are not known precisely at the present time. The State Department of Public Health is in the process of conducting the California portion of the National Nutrition Survey which will provide more extensive data on the scope and nature of malnutrition in California.

However, it is not necessary to wait for such an exact count to determine the extent to which many children in California are exposed to the dangers of malnutrition. Data is available on the income levels of the population and also the normal cost of purchasing minimum food needs has been established.

The following table shows the minimum needs for typical sized families in a typical California county, using standards of the State Department of Social Welfare established in accordance with Section 11452 of the Welfare and Institutions Code; it also shows the maximum participating base (MPB) as set by Section 11450 of the Welfare and Institutions Code and the deficit between the needs standard and the MPB.

MINIMUM NEEDS FOR TYPICAL-SIZED FAMILIES IN A TYPICAL CALIFORNIA COUNTY

Number of persons	Food needs	Total needs	MPB	Deficit	Food needs as percentage of MPB
1-parent families:					
3	$73.30	$205.85	$172	$33.85	43
4	105.45	206.00	221	46.00	48
5	137.60	320.95	263	57.95	52
6	163.65	371.00	300	71.00	56
2-parent families:					
3	74.70	210.55	166	44.55	45
4	100.75	271.70	191	80.70	53
5	132.90	325.65	239	86.65	56
6	158.95	375.70	282	93.70	56

The table indicates that food needs require approximately 50 percent of the MPB. This is contrasted with the fact that the average nonwelfare family spends only about 25 percent of its income on food.

In 1957, the State's statutory maximum AFDC grant (MPB) equalled or exceeded objectively determined minimum need in all but 5% of the AFDC cases. Since then, living costs have risen by about 31%. This higher cost of living has been largely reflected in revisions of the need standards of the State Department of Social Welfare, which are repriced annually, but the MPB has been increased by only 2% (due to increased federal subventions in 1966). As a result, between 55% and 65% of the *current* AFDC cases must live on incomes below the minimum need standard.

[Question: . . . Is it possible for a mother without (outside) income . . . drawing the maximum allocation that (welfare) can within the law provide her . . . to provide an adequate diet for her family?

[Answer: Only if she is incredibly lucky in finding very low-rent housing . . . The normal grant distribution is inadequate for that purpose.

[Question: In other words, if your social worker . . . should find a well-fed family living in (safe, healthful housing) on the maximum (AFDC) grant, that family is probably either in violation of the law or getting help from someone else secretly. Is this generally true?

[Answer: That would be a very valid presumption, yes sir.]

With insufficient income to meet even minimum needs, reductions in expenditures must be made somewhere. Nutritious food is one of the first casualties. Studies show that in the large majority of cases, the first foods eliminated from the diets of AFDC families because of budgetary restrictions are meat, fruits, vegetables and dairy products, foods most essential to maintaining adequate nutritional levels.

[Answer: . . . When (AFDC families interviewed for the Sacramento County nutrition study) were forced to cut down items from their diet it was most often foods necessary for good nutrition. Families were most often forced to give up meat, fruit, vegetables and dairy products, in that order. These are also the main items families said they would buy if they had more money. In the best of times, the welfare diet is composed mainly of starches and filler foods—luxuries like fruit are precluded.]

The United States Department of Agriculture publishes a "Low-Cost Food Plan" which specifies the minimum amount of food purchasing power considered essential for maintaining an adequate diet. The USDA low-cost food plan for California requires about $1 a day per person in a family of four.

A Sacramento County survey showed that 90% to 100% of AFDC families, depending on family size, are unable to maintain food purchasing power at the level of the USDA low-cost food plan; two-thirds of the families can afford no more than 75% of the low-cost food plan and one-fifth of the families less than 50% of the USDA's recommended minimum expenditure. (These figures reflect the *inclusion* of the value of bonus food stamps in the family's purchasing power where the family is participating in the food stamp program.)

[Answer: This spring . . . the (Sacramento County) Welfare Department took the assignment of trying to determine the extent and scope of (the acknowledged proglem of hunger in Sacramento County). We conducted a survey of AFDC families by taking a random sample . . . validated following normal statistical techniques and . . . cross-validated with known information to check the accuracy . . .

[. . . Forty-four percent of the families contacted had been without money and without food one or more times during the past year. Projecting from the sample, this means that . . . (in Sacramento County) 4900 families with 13,000 children had run out of food and money one or more times during the year . . . These families' reserves of food and money are chronically so low that any additional or unexpected expense means the family must go without food . . . Often the families were without food for several days . . . 34% of the families had been without food more than once in the past year.

[. . . Practically *all* the (AFDC) families are not able to spend enough money on food. The money families reported spending on food was compared with the United States Department of Agriculture "Low-Cost Food Plan". If the family was using food stamps the bonus value of the stamps was included. Between 90% and 100% of the families, depending on family size, were spending less than the USDA low-cost food plan.]

The Sacramento County survey also revealed that 44% of the AFDC children in the State's capitol involuntarily go without food one or more days a year (34% go without food for *more* than one day). The study further shows that a family's chances of being without food or money to buy food are 70% greater if the income is limited to the MPB, but that nevertheless 36% of families whose incomes meet the need standard went foodless one or more days last year.

[Question: Were you able from the data you acquired in your study to get any indication of what happens to the half of the families limited by the maximum AFDC grant as compared with the half who have some outside income and are therefore a little better off (because they are allowed to keep outside income up to the state-determined level of actual minimum need)?

[Answer: Yes, we did extract this from our sample. Overall, the percentage of families that were without food and money at least one time during the year was 44%. In the families living on the (maximum AFDC grant payable under state law regardless of a family's calculated minimum need), the figure was 56%, and among the families with outside income the figure was 35%. In other words, it was 70% more likely to be a circumstance of families (living under the maximum grant law).]

More than 750,000 children are presently members of families receiving AFDC. In addition, approximately 500,000 children are estimated to live in "working poor" families—families with a full-time wage earner whose income is no higher than the welfare level.

These children make up between 15 and 20 percent of the children of California. Unfortunately, it is safe to assume that many, if not most of them, do not get enough of the right kinds of food to eat to assure good health and normal growth and development, especially in the vital early formative years.

UNDERDEVELOPED CHILDREN VS. TECHNOLOGY

The immediacy of the problem is greatly accentuated by the increasingly technical nature of our society. The National Commission on Technology, Automation and Economic Progress has noted that—

"Unemployment has been concentrated among those with little education or skill, while employment has been rising most rapidly in those occupations generally considered to be the most skilled and to require the most education. This conjunction raises the question whether technological progress may induce a demand for very skilled and highly educated people in numbers our society cannot yet provide, while at the same time leaving stranded many of the unskilled and poorly educated with no future opportunities for employment." [2]

The Commission further stated that—

". . . Needs for laborers (except farm and mine) in 1975 will be roughly the same as in 1964, although they will decrease from 5.2 to 4.2 percent of total manpower requirements. Over three million additional service workers will be required, and their share of total jobs will rise from 13.2 to 14.1 percent. Nearly two million more operatives will be needed; their share will, however, decline from 18.4 to 16.7 percent. An overall decline of more than 900,000 in the employment of farmworkers is expected, and the share of farm jobs in the total is expected to decline from 6.3 to 3.9 percent.

The greatest increase in employment requirements will be for professional and technical workers; more than 4.5 million additional personnel will be required. The white-collar group as a whole is expected to expand by nearly two-fifths and to constitute 48 percent of all manpower requirements in 1975. The blue-collar occupations are expected to expand at less than half this rate, and will make up about 34 percent of all requirements. A rapid expansion in requirements for service workers is anticipated—a 35 percent increase in employment." [3]

The demand for skilled and highly skilled persons will increase dramatically during the next decade and into the forseeable future. That demand will have to be met by the children of today. New and improved methods of education and training will be one of the keystones of meeting the demand, but the educational systems developed will require intelligent, alert children and young people who are capable of learning the skills required by our modern technological society.

Despite our knowledge of the relationship between adequate nutrition and physical and mental development and the prospect of greatly increased needs for skilled manpower, we find that public policy in welfare and food assistance programs for needy children is doing little to halt the development of a new generation of unemployables.

The implications of this development upon the long range goals and needs of our society may be enormous. As the number of aged increase, young people remain in school for longer periods of time, and the number of other dependent persons increases; the percentage of the population engaged in producing goods and services will decrease.

A smaller percentage of the population will have to produce a larger percentage of all goods and services required. In order to meet these demands we will increasingly turn to improved technology which requires more and more skilled manpower.

Thus we will be caught in a vicious cycle. Our social welfare and education policies will result in increasing numbers of young people who will find it difficult if not impossible to develop highly technical skills at the same time that our demand for those skills is increasing rapidly. The resulting dependency of an increasingly large portion of our population will place added burdens upon the productive members of our society and will lead toward increased alienation of young people with few skills who are forced into dependency.

RECOMMENDATIONS

I. *All families eligible for California's program of aid to families with dependent children (AFDC) should receive adequate assistance so that their total income equals the minimum amount required to maintain sound nutrition and safe healthful living conditions for their children. This should be accomplished by—*

A. *Raising the AFDC maximum participating base (MPB) so that the total purchasing power of a family, including food stamps, will equal its minimum needs.*

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[2] Technology and the American Economy, vol. 1, 2/66, p. 21.

[3] Ibid., p. 31.

One out of nine California children, more than 750,000 youngsters, depends on AFDC as his primary source of income. At least 50 percent, and in some areas more than 90 percent, of these children are fed on less than the minimum amount of money required to purchase a nutritionally adequate diet.

The cause of this deficiency in food purchasing power is the low level of AFDC grants. In the last twelve years, the purchasing power of the maximum AFDC grant allowable under California law has declined 29 percent. In 1957, 95 percent of all AFDC recipients received income supplements from welfare which provided sufficient funds to meet their subsistence needs. By July 1, 1969, fewer than 50 percent of all AFDC recipients had total incomes which met subsistence needs!

It has been demonstrated that children under four years of age are the most vulnerable to the damaging consequences of malnutrition. These children, about 30 percent of the AFDC child population, or nearly 250,000 children, obviously are almost impossible to reach with school or group-based feeding programs, since they stay at home.

Question: . . . We've had testimony before this Committee (by the State Department of Social Welfare) that our aid to needy children falls below the basic nutritional standard set down by the United States Department of Agriculture. At the time we said "Why, if we know that a child from gestation to age three is going to have his brain growth stunted and increase his chances of remaining a welfare recipient, why is it that the state isn't making higher payments or at least why isn't the Department recommending that higher payments be made?" The answer we have heard is that there just isn't enough money to go around.

[Now my question is that if we accept (this answer and also the report that malnutrition causes retardation) . . . does the witness have any suggestions as to how to raise the nutritional conditions of these youngsters from gestation to age three? Do we do it by weekly shots at a free clinic? Just how are we going to save these children from becoming stunted both in physical growth and in mental growth?

[Answer: . . . The way that the remainder of our population, the majority who are *not* poor, prevent themselves from having their brains stunted by malnutrition during pregnancy and early life is by *eating*. I might add not by eating vitamin pills but by eating meat, fruits and vegetables . . . I don't see any practical way to accomplish the same result for those who are poor except by making it possible for them also to eat. . . .]

The most immediate and expeditious means of reaching virtually all welfare children with a minimally adequate diet is therefore to concentrate on food *at home* with funds made available in sufficient amounts to permit the purchase of proper quantities of nutritious foods.

This could be accomplished by eliminating the MPB entirely, and providing in each case a cash grant sufficient to assure total income equal to the needs standard. This approach, however, does not take into account the value of bonus food stamps as a factor in meeting total minimum need. By retaining the MPB, but raising it to a level which enables a recipient family to acquire enough bonus food stamps, the combination of cash income and bonus food stamps can be set to meet full minimum needs.

The cost of meeting the minimum needs of AFDC children is estimated to be approximately sixty million dollars for fiscal 1969–70. Half of this money would be paid by the federal government, one-third by the state and the remaining one-sixth by county government. Much of the county government's share are already being spent by those governments in the form of special supplements in cases of extreme need, and therefore would represent no new cost. (By using the bonus value of food stamps to meet part of the minimum need, the federal government will bear a larger percentage of the total cost than indicated above since food stamps are completely federally funded.)

The total cost of meeting full minimum subsistence needs in AFDC would be *three dollars per year* for each Californian, less than the price of a carton of cigarettes!

B. *Establishing an automatic adjustment in the MPB so it reflects changes in the cost of living.*

The AFDC program is the only categorical aid program which does not provide for adjustments in the maximum *grant* based upon changes in cost of living. This completely frustrates the policy of meeting objectively determined minimum *needs*, which are repriced annually.

The present discrepency between objectively determined minimum needs and the cash grant is a result of this conflict in the law. In order for our acts to correspond to our stated policy, there must be some system for changing the MPB to correspond to changes in the cost of minimum needs. An automatic cost of living adjustment is the best and simplest means of accomplishing this objective.

C. *Assuring that all counties in California have a food stamp program so all low-income persons will have access to the increased food purchasing power made possible through this program, and establishing a check-off system so that welfare recipients will automatically receive food stamps with their welfare checks, thus reducing county administrative costs.*

Question: Why should we give so much emphasis to the food stamp program which is kind of like robbing Peter to pay Paul? . . . Wouldn't it be better to eliminate all this unnecessary money that goes to administration and rather put it into the pockets of the individuals that actually need it? Wouldn't that be far superior?

Answer: I think that more money is a very good answer for people that are short of money. But in my job, and in view of my county's report on this problem, I am interested in each and every device available to get more food to hungry people. I supported the food stamp program for Sacramento County although it's a lousy program. It's incredible red tape, incredible nonsense, but for those people who could make use of it at the times they could it got them a little more food, and it was *available*. If a better food stamp program is available, I'll like *that*. If we can get a decent level of assistance in AFDC, that would be a far superior answer.

The Nixon Administration has just announced a major revision in the purchase requirements of the food stamp program.[4] This should eliminate or at least greatly reduce one of the major anomalies of the program. Former unreasonably high purchase requirements were extremely difficult for families with the lowest incomes to meet on a regular basis. Families in greatest need of food assistance were least able to obtain the benefits of the program.Thus they were placed in the ironic situation of being too poor to afford food stamps.

The new purchase requirements coupled with an increase in the MPB should provide AFDC families with adequate funds to obtain food stamps. However, this program is not available in all California counties. (Thirty-five California counties are or will soon be participating in the food stamp program. The rest are participating in the other major federal food assistance program, the commodities distribution program.) It is imperative that the food stamp program be available uniformly throughout California if the full benefits are to be realized.

Furthermore, there are many thousands of low-income families—the so-called "working poor"—whose earnings are comparable with welfare incomes. These families are not eligible for welfare, but may be eligible for the food stamp program if it is available. Thus the food stamp program, particularly in light of the newly revised federal regulations, can be a means of aiding these families to maintain adequate diets without welfare assistance.

The present method of distributing stamps requires the county welfare department to establish eligibility and send an "authorization to purchase" to the recipient family. The authorization is then taken to a distribution agency, usually a bank, where the stamps are purchased. This awkward method of distribution costs between six and eight percent of the value of the bonus stamps.

The State Department of Social Welfare has just received federal permission to institute a voluntary check-off system on a pilot project basis in ten counties. This will permit recipients to request that the cost of food stamps be deducted from their grant checks, and the food stamp allotment mailed directly to them along with the balance of the grant. This method is expected to increase participation and decrease county administrative costs.

The committee favors a mandatory check-off plan for all recipients, since it would assure maximum food stamp program coverage of needy families. Also, by significantly reducing the cost of stamp distribution, it would eliminate one of the elements of concern to counties that have not joined the food stamp program. However, present federal welfare law precludes a check-off plan on a mandatory basis.

The check-off plan should be instituted along with the food stamp program in all counties. This action, in combination with an increase in the MPB to allow the neediest families to participate, will finally make the food stamp program an effective weapon against malnutrition.

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[4] Food stamps may be spent like cash in participating retail food stores, except that they may not be used for non-food items, for alcoholic beverages, or for certain imported foods. Where food stamp programs are operating, participation by retailers is almost 100%. In poverty areas, retailers report as much as an 8% increase in volume when the food stamp program is introduced.

Federal law prevents a county from having both a food stamp and commodity distribution program. The food stamp program is on the whole more desirable. It permits flexibility in choice of foods. It enhances retail sales, while commodity distribution competes with private enterprise.

Nevertheless, distribution of commodities is useful in meetng emergency situations quickly, and could be helpful in supplementing special hardship cases even if the AFDC grant structure is consistent with normal minimum needs. Therefore, the committee feels it is desirable that Congress revise the law to permit counties to operate both a food stamp and a commodities distribution program.

II. *All economically needy school children in California should be provided free or reduced price school meals. This should be accomplished by—*

A. *Passing an urgency statute appropriating adequate state funds to meet this objective until Congress acts.*

B. *Urgently recommending to the Congress of the United States that it immediately honor its commitment under the National School Lunch Act of 1946, by appropriating sufficient funds to assure that every child wishing to eat at school can receive a nutritous meal at a price his family can afford.*

The National School Lunch program provides a 4¢ per meal federal cash subsidy to participating school districts. In return, these districts must agree 1) to match the federal grant at least 3 to 1 from other sources (generally from meal prices charged to students); 2) to serve nutritionally balanced (Class A) meals; and 3) to provide free or reduced price meals to children who cannot afford regular price (need is determined by the school).

—Only 840,000 lunches are served daily in California under the National School Lunch program.[5] Only about 60,000 or 7% of these meals are provided to needy children free or at reduced price. (There are about 4.5 million children enrolled in Kindergarten through 12th grade in California schools. Of these, about 500,000 are identified as in need of free or reduced price school meals to maintain adequate nutrition because of their familes' low incomes.)

The federal government provides additional subsidies for free and reduced price meals in a limited number of high poverty districts through the Special Assistance program and the School Breakfast program. These programs are reaching about 20,000 children a day.

In addition, federal funds support the distribution of reduced-price milk to millions of school children, and federal surplus foods are available to most school feeding programs (whether or not the districts are participating in the National School Lunch program).

More than 90% of the $36 million in federal school nutrition subsidies to California go to reducing prices from the "top". In National School Lunch schools, the combination of federal subsidies permit a "full price" charge of 35¢ to 40¢ for a Class A meal, although the total cost may run to 55¢ or 60¢. However, even these subsidized prices are out of reach of most low-income youngsters.

Classroom teachers report a dramatic improvement in alertness and behavior from children who begin to receive free or reduced price meals on a regular basis.

[Witness: We know that where the children are participating either in a breakfast program or a school lunch program, they have at least one nutritionally adequate meal per day and in some instances, two. Evidence in the breakfast program (under the special assistance program), testimony on the part of principals and teachers who are very, very close to it, indicate that it is almost an immediate improvement. A very dramatic improvement in alertness and behavior—where a breakfast program has been established, and our greatest support for this program is coming from the instructional people.]

However, only 80,000 such meals are being provided daily, despite the State Department of Education's estimate of a need for 500,000. In Sacramento County, for example, only the Sacramento City Unified School District is reaching at least 20% of the AFDC youngsters attending school.

[Question: Then, your programs are not improving the existing situation as measured from any bench mark——

[Witness: I think we're improving it in the last couple of years by the indication of the sharply increased percentage of free meals being served . . . more than doubled—almost tripled—but we have done that in the last two years because of greatly increased (federal) spending Special Assistance funds for this purpose.

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[5] Many districts forego the 4¢ School Lunch subsidy on grounds that serving a Class A meal costs more than the subsidy is worth. These districts are still eligible for surplus foods and milk subsidies, which do enable them to keep meal charges down.

(The California Legislature's 5 mililon dollar appropriation in 1969) would have brought (the number of daily free and reduced price meals) up to about 200,000.

The Committee has heard several recommendations which merit long-range consideration. Foremost among these is the suggestion that free school meals be provided to *all* students as an integral part of the education program.

A universal free school lunch program would assure that all nutritionally needy youngsters, whether economically needy or not, would receive at least one balanced meal a day. It would also eliminate the administrative complexities associated with the present selective system of providing free or reduced price meals.

Obviously, despite its advantages, the cost of such a program would be high. An alternative suggestion presented to the Committee is that the price charged to *all* youngsters be substantially reduced. The State Department of Education estimates that a reduction of the general price from 35 cents or 40 cents per lunch to 20 cents would double participation rates.

[Witness: The School Lunch Program has been in existence since 1946. . . . in 1946 the federal support was *nine* cents per meal which, at that time, was just about equal to the cost of food. At this time, after some 23 years, the level of federal support amounts to 4 cents per meal . . . if we had the same level of support, (adjusted to inflation), approximately twenty cents in federal support, this would mean that instead of a forty cent charge, districts could establish a twenty cent charge (for *every* pupil).]

If federal subsidies under the National School Lunch Act were restored to levels comparable to what they were in 1946, it would be possible to provide a significant across-the-board reduction in the maximum charge to pupils. This would increase general participation to the point where most, if not all, school districts would find it economically feasible to participate in a Class A program, and still generate a sufficient surplus from operations to provide free or very reduced price meals to needy children who could not afford a full charge, for example of 25 cents.

Proposals for reducing or eliminating the charge for school meals to all students deserve careful evaluation. However, the Committee acknowledges the very real problem of fiscal constraints at all levels of government, and therefore recommends that if only limited school nutrition funds can be made available the first priority shall be the provision of free or reduced price school meals for all economically needy school children.

The committee recognizes that many schools are hampered in their desire to meet the nutritional needs of school children by the absence of food service facilities. However, the U.S. Department of Agriculture is now revising regulations in order to permit private catering services to supply meals to schools, much as they do to airlines. This should enable more districts to take advantage of school nutrition programs. Even in areas where the provision of hot meals may be impractical, the use of nutritious boxed lunches should be possible, particularly if financial aid for meeting the needs of low-income youngsters is provided by the federal and state governments.

U.S. SENATE,
Washington, D.C., April 1, 1970.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition, and Human Needs,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a letter I received from a resident of Modesto, California, in response to the Nutrition Committee hearings there.

This gentleman has some rather clearly stated views on the problem of the school lunch program, and I would appreciate the letter being made part of the record.

Sincerely yours,

BOB DOLE, *U.S. Senate.*

[Enclosure.]

STANISLAUS AREA UNITED CRUSADE,
Modesto, Calif., March 25, 1970.

Hon. ROBERT J. DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOLE: I was a spectator at the hearing of the Senate's Select Committee on Nutrition and Human Needs held recently in Modesto. Permit me to share my feelings with you as one who saw and heard the first portion of the hearing, but whose business commitment precluded remaining for the full length of the hearing. Part of the comments which follow, therefore, emanate from the press coverage of the hearing.

I must protest, at the selection of the portion of the persons who testified at the hearing. The appearance of California Rural Legal Assistance representatives from the Modesto Board of Education was most commendable. They were the leading advocates of seemingly opposing points of view. Similarly commendable, was the appearance of Mr. Hemphill, whose testifying was in the role of contributing neutral expertise.

In the matter of limiting the selection of community persons to Messrs. Talamonte, Wilson, Takayanagi, and O'Brien, assisted by Mr. Bodine, I find myself in sharp disagreement. Local people are well aware of their positions in opposing the action of the Modesto Board of Education. The press did not divulge identity of expected witnesses other than the five persons first mentioned herein—this would appear to lend a note of bias to the proceedings, the overtone being the community persons were carefully hand picked for their known point of view.

I would strongly defend the propriety of inviting those opposing the Board of Education's action. By the same token, I condemn the failure to give equal opportunity to those who support the Board's action, and particularly so, because the hearing was announced as an event dedicated to "seeking a better understanding why the program is not working effectively". In short, its objectivity is left open to doubt.

As to the problem itself, in my view, the National School Lunch Program direly needs overhaul. First, there is need for clarification and possible reevaluation of its objectives and administration. A few may understand, but the majority do not, whether its basic intent was and is to be a lunch program for all children or for the needy child.

There are many in the community who would deny that there are hungry children here. I disagree. There are many who would admit that we have hungry children, but because of parental irresponsibility, they should be left hungry. I disagree. As a nation, our tradition and focus is on the child. The adult world must find solutions.

Perhaps, at worst, the waters are muddied. How might they be cleared? In my view, the National School Lunch Program is a welfare responsibility, pure and simple. The present hybrid of welfare and education is confusing and tension producing. It is a monstrosity of commingling responsibility, financing and administration. As a solution, I propose that it be considered a welfare responsibility. Welfare departments should be responsible for and control, eligibility and financing. The role of the school would be to provide the feeding service itself—after all, the school has the facilities and personnel—on a purchase-of-service basis from the welfare department.

Welfare administration has the professional knowledge and skills to administer welfare programs. Education does not, nor should it be so expected.

I respectfully hope these comments will serve a purpose useful to the committee. I am addressing these comments to you as a private citizen, my organization having given no consideration as yet to the matter at issue.

Cordially,

JOHN W. CAREY, *Executive Director.*

APPENDIXES

APPENDIX 1

(Modesto, Calif.)

[From the Modesto (Calif.) Bee, July 22, 1969]

ANGRY PARENTS WIN FEW EXTRA LUNCHES

Modesto public schools will serve free lunches to 400 poor students each day next fall. This is 230 more lunches per day than were served in the last school year, but far below the 3,000 free lunches sought by a group of parents at an angry meeting last night.

The Modesto Board of Education was in difficulty with the audience from the outset. One reason was an arbitrary limit on the size of the audience itself. A police officer in plainclothes enforced the room limit of 49 spectators which school officials said had been imposed by a state fire marshal.

The officer ejected from the meeting Don Wilson, spokesman for the group which described itself several times as "poor people." Wilson was permitted to return later in the meeting.

As the discussion went on to midnight, 15 or so persons stood in the corridor of the City Schools Administration Building at 426 Locust St., straining to hear through an open door.

Over a period of weeks, the group of parents, poor people's activists and Community Action Commission members, joined by lawyers of California Rural Legal Assistance Inc., have sought to get the school system to vastly increase the number of lunches served to children of poor families.

The group has maintained there are 3,000 or more eligible children, in high schools and elementary schools, many of whom go hungry each school day because they do not have money to pay for lunches and their parents are unable to send bag lunches with them.

Dr. Bert C. Corona, district superintendent, offered the expanded plan which the board adopted four hours later. The lunches will cost $32,000 per year, of which $22,000 is from the federal government.

Should the schools serve lunches to all who might qualify under Office of Economic Opportunity poverty guidelines, the cost could range between $56,000 and $150,000, Dr. Corona said.

Mrs. Harriette Kirschen, who presided over the stormy session and had to restore order numerous times, said the schools should not have to discharge responsibilities of other public agencies. The problems of feeding the needy, she declared, rest with the entire community. She suggested the county Board of Supervisors should be reminded of the problems.

Wilson and Bennie Max Parrish, community organizers, agreed they are "quite pleased" with the proposal submitted by Dr. Corona. But they remain concerned over the lack of funds to extend the free lunch program to all needy children, they said.

"You're talking in hundreds," Wilson told the board, "when you should be talking in thousands."

Wilson and Parrish also expressed concern that enforcement of the revised program and identification of hungry children will show no improvement.

Parents still will have to apply with the schools to get their children included in the free lunch program. "Poor people" spokesmen have recommended free lunches automatically be granted to every child whose family is on welfare roles without additional "screening."

They contended pride and fear of humiliation deter many parents from asking for free lunches for their children.

Another change in the free lunch program will be an increase in the length of time a pupil may receive the lunches without applying for renewal. Next year a student may be granted free lunches for up to three months, instead of the previous one-month. Renewals are granted after a review of each case.

Also for the first time, parents will be routinely informed of the existence of the free lunch program. Dr. Corona said a letter will be sent out at the beginning of each school year, telling parents who is eligible and how to apply.

APPROVALS

Next year the school supervisor of attendance and welfare will have the authority to grant approval of free lunch applications. Last year school principals made the decisions. Dr. Corona said the change will provide continuity.

The trustees assured the audience that all meal tickets in all schools next year will be identical in color, with only specially coded numbers to designate free lunch recipients for cafeteria records.

They also asserted it is not a policy that a child must work in the cafeteria in order to be eligible to receive a free lunch.

Wilson and others had charged 90 per cent of the pupils who got free lunches had been forced to work for them.

Trustee Joseph Smart said if the statement of policy regarding the issue is not strong enough to assure complete understanding then it will be rewritten.

According to the OEO poverty guidelines, a family with one child will be eligible for free lunches if the monthly income is $133 or less, a family with six children will be eligible if the monthly income is $366 or less; and for a family with 13 children the maximum income is $658 a month.

[From the Modesto (Calif.) Bee, July 24, 1969]

FREE LUNCH PROGRAMS GET FUNDS

New legislation barely approved by the California Senate appropriating $5 million to match local school funds spent on free or low cost meals for needy children probably will boost the number of free lunches served in Modesto City Schools next year.

Dr. Bert C. Corona, district superintendent, said the legislation would give the elementary and high school districts of Modesto at least $11,000, and possibly more.

The Modesto Board of Education this week bowed to pressure from spokesmen of poor people to provide more free lunches to needy pupils.

The board agreed to serve an average of 400 free lunches a day next year, at a cost of about $32,000, but refused to go higher because of lack of funds. This is 230 more free lunches a day than were served last year.

Dr. Corona said the additional money will enable the trustees to increase this minimum substantially.

With only four Republicans opposing the measure to help end malnutrition among California's poorer school children, the measure, SB 1393, won passage by exactly the 27 affirmative votes needed to approve an appropriation bill.

Sen. George R. Moscone, D-San Francisco, the bill's author, contended the measure, to have the state match each $1 spent for free school meals by the local agency or a nonprofit agency, is needed.

Sen. Clark Bradley, R-Santa Clara County, disputed the need, but admitted malnutrition and hunger may exist in significant quantities elsewhere than in California.

Sen. Stephen P. Teale, D-Calaveras County, also representing Stanislaus County, a medical doctor, supported the bill. He cited diet research indicating achievement and intelligence can be traced in almost direct "geometric progression" to the level of protein intake. Teale noted Americans have about 17 times higher protein intake than poor persons dwelling in various Asian and Near Eastern lands.

Another proponent of Moscone's bill, Sen. Walter Stiern of Kern County said it may be hard for "a bunch of well-fed senators" to realize there are poverty-level Californians whose children live in dirt-floored houses and wear sacks to school.

The only senators to vote against the bill were Senators Bradley; John Harmer, R-Los Angeles County; H. L. Richardson, R-Los Angeles County, and Robert S. Stevens, R-Los Angeles County.

[From the Modesto (Calif.) Bee, Aug. 11, 1969]

SCHOOL LUNCH BILL GOES TO GOVERNOR

SACRAMENTO.—A bill to appropriate $5 million in state funds to the public schools for free or reduced price meals for children from low income families has reached the governor's desk.

Final legislative action was taken late yesterday when the Senate passed the bill, SB 1393, Moscone, by a 59 to 3 vote.

Assemblyman Gordon Duffy of Kings County presented the measure in the Assembly, declaring it would provide for a dollar-for-dollar matching by the state of each $1 spent by a school district or private or public agency for school meals.

It is estimated there are 500,000 needy youngsters in the California schools. School districts presently provide about 100,000 free meals per day.

The state contribution, under SB 1393, would double the number to 200,000. If Congress approves the President's special assistance funds an additional 140,000 free meals would be provided, making a total of 340,000 a day.

$11,000 ADDITIONAL

Dr. Bert C. Corona, superintendent of Modesto City Schools, said Moscone's bill could bring an additional $11,000 to the district, adding another 120–150 free lunches for needy children. The city school board agreed last month to pay for 400 free lunches a day, 225 more than the average 175 free lunches served daily during the 1968–69 school year.

The additional $11,000 in state funds is based on a matching of the $11,000 in local school tax funds spent last year on the free lunch program. Last year, Dr. Corona said, the $23,000 in federal school lunch funds were used to reduce all lunch prices by ten cents in "target'" schools. Next school year, however, the federal funds will be used exclusively for free lunches.

Dr. Corona said the city school board will have to make the decision to apply for the state matching funds, if the bill is signed into law. Also, he added, the board faces the possibility of using more local funds if federal school lunch funds do not meet last year's $23,000 total.

OFFICIALS 'OPTIMISTIC'

"The federal government has assured us of $11,000 but we're optimistic we will get the full $23,000," Dr. Corona said.

Provisions of the Moscone bill call for matching a school district's previous-year local free lunch expenses. If the school board were to allocate more local funds this year, it would mean eligibility for a larger, matching state grant for the 1970–71 school year, the superintendent explained.

Parents from low-income areas urged the city school trustees in June to provide free lunches for all children of families below the poverty level or on welfare, about 2,766 children. Dr. Corona said this could cost as much as $150,000. Some 21,000 children are enrolled in city schools.

[From the Modesto (Calif.) Bee, Aug. 26, 1969]

FREE LUNCH PLAN IS EXPANDED BUT STILL CRITICIZED

(By Billie Trowbridge)

Modesto elementary and high schools are getting ready to serve 550 free lunches each day to children from poor homes, which is 375 more free lunches than were served last year.

But the number is far below the 3,000 free-lunch-level sought by critics of the Modesto Board of Education. There are 21,000 children in the school systems.

A policy governing the free lunch program, described as "woefully inadequate" and "discriminatory" by the school critics, was discussed for two and a half hours last night at the school board meeting before it was virtually adopted with some revision.

The trustees directed the staff to reword and change several paragraphs and return it for approval at the Sept. 1 meeting. They added it then would be adopted with no discussion.

Last night's session was the fourth in a series of confrontations over the free lunch program. At times the meetings have been unruly.

The critics claim children in Modesto schools go hungry because parents cannot afford to buy lunches and because they are too proud to ask for free lunches. Critics have demanded lunches be granted automatically to children from welfare families.

The meeting last night began calmly, in contrast to previous sessions in which insults and caustic remarks were heaped on trustees. But, as the evening wore on, Mrs. Harriette Kirschen, president, had increasing difficulty maintaining order.

A court reporter was present transcribing proceedings in addition to the board's practice of recording the meetings on tape. School officials say the reporter was hired by the California Rural Legal Assistance.

Most of last night's criticism of the lunch policy was directed at the new eligibility line which Daniel Lowenstein, attorney for the CRLA, charged is "totally arbitrary."

Lowenstein contended schools should "feed the children who are needy and not just those they can afford to feed." He charged the eligibility line will permit only a few dollars income to determine whether a child will be fed.

A "FLEXIBLE" LINE

Dr. Bert C. Corona, district superintendent, said the new lines automatically qualifies 20 per cent of all children on welfare and added "it will generate a level of participation which the district can afford." The new line, he said, is flexible.

A child from a two-member family which receives a monthly income of $140 would be eligible. Children from a 13-member family which has income of $526 a month or less would be eligible.

Lowenstein claimed a mother on welfare with one child would miss qualifying for lunches for her child by $8, a mother with two children would qualify by $1 but a mother with three children would "miss by $1.50."

Critical comments often were followed by applause from spectators in the board room and from others listening to the meeting over a loud speaker in the hall of the schools' administration building.

About 20 persons were unable to get into the board room because of a 49-capacity fire safety rule.

THE BOARD'S PHILOSOPHY

Benny Max Parrish, community organizer, challenged the school board's philosophy that free lunches for poor children is the responsibility of other public agencies and not the schools.

"This is a very rotten policy," Parish began. "The opening paragraph sets the tone. The board does have a legal contractual agreement to feed the poor."

Parrish added the policy is "vague and repetitive" and will eventually allow schools staff members to "do anything they want under it."

VOLUNTEER GROUP

Mrs. Frank Sample, representative of Citizens to Feed Hungry Children, said her volunteer group is concerned the needy children who do not qualify at first will not get free lunches even though their "need and hunger might be just as great."

Dr. Corona said there has to be a "cutoff line somewhere." He added marginal cases of need and availability of free lunches will have to be a "judgmental decision by school staff after investigation."

Mrs. Sample urged the trustees to find funds to finance free lunches for all hungry children. She said her organization will attempt to raise funds from local sources to contribute to a free lunch fund.

Mrs. Sample added that such assistance could be only temporary, however, and added the responsibility belongs to the entire community.

NOT AUTOMATIC

Granting free meals will not be automatic under the proposed policy. A parent or guardian will have to make application through the school office. The principal, or his designated assistant, will process the application, but final approval will be the responsibility of the supervisor of attendance and child welfare.

The policy establishes a three-month maximum which may be approved at one time, with renewals possible following review of the case. Principals may grant up to five days of eligibility in cases of emergency.

Identification of pupils receiving free lunches, for bookkeeping purposes, will be by means of a code number and not by issuance of different colored lunch cards.

WORK OPPORTUNITY

The new policy re-emphasizes that pupils cannot be required to work in the cafeteria to earn meals, although the opportunity to work will be available.

Parents had charged the schools had a "no-work no-eat" policy in regards to the free lunch program. School officials denied the charge.

[From the Modesto (Calif.) Bee, Sept. 3, 1969]

SUIT DEMANDS LUNCHES FOR WELFARE TOTS

(By J. Robert Bazemore)

A suit filed yesterday in U.S. District Court, Sacramento, by California Rural Legal Assistance, seeks to force the Modesto Board of Education to provide free lunches to all children whose families are on public welfare.

Federal Judge Thomas J. MacBride set a show cause hearing for 10 a.m. Monday in the U.S. District Court at 650 Capitol Mall, Sacramento.

Attorneys from the Modesto CRLA office represent two Modesto families—Billie Shaw, mother of six, and Alta Rae Bateman, mother of four.

The suit asks that the school board provide free lunches to all children from families either eligible for federal food stamps or on welfare assistance.

The suit contends there are 3,291 children from needy families in Modesto who should receive free lunches, or which 2,941 are children of families on welfare. There are 21,000 students in the Modesto City Schools.

This summer, after several heated sessions with school critics, the school board agreed to increase the number of free lunches it will provide from 170 to 400. An additional 150 lunches are in the offing according to administrators, but the board has not yet approved more than 400.

The Department of Agriculture as a co-defendant is being asked to show why it is not directing the Modesto School Board to provide the free lunches to all needy children.

Last week the school board set an eligibility line for free lunches at 80 per cent of the federal Office of Economic Opportunity poverty income.

Dr. Bert C. Corona, district superintendent, argued the new line would permit 20 per cent of the children on welfare to qualify and "generate a level of participation the district can afford." Critics argued the level is arbitrary.

USED FOR RICH

The suit charges $240,966 in federal funds and commodities earmarked to provide free lunches for the needy are being used in the Modesto schools to reduce the cost of lunches to children of wealthy and middle class families.

The suit says the board last year allocated $32,838 or 13.6 per cent of the federal subsidy to feed needy children and actually spent only $11,014. This year the board has allotted $29,000 to feed 12.2 per cent of the needy children, according to the suit.

"Plaintiffs and thousands of other children who cannot afford to pay for a hot lunch will be excluded from the school lunch program" because the board has not committed more funds, the complaint contends.

CITES THE ACT

The suit cites the National School Lunch Act, enacted 23 years ago and administered by the U.S. Dept. of Agriculture. The act, as interpreted by CRLA attorneys, requires that every needy school child in every participating school district receive a free or reduced-price lunch which he can afford before any federal funds are used to lower the price of a lunch for children who could afford to pay for lunches.

The board's refusal to serve free lunches as provided by the act has "directly retarded the education of Modesto's poor children," according to the suit. It notes most needy children do not eat breakfast and their consequent hunger when they do not eat lunch reduces "the general ability level" and tends to "reinforce existing patterns of poverty."

Mrs. Shaw, in an affidavit included with the complaint, states her income this year will be $840 less than the State of California declares a family of seven needs.

INELIGIBLE FOR AID

Mrs. Bateman, the suit says, was separated from her husband during the last school year and was unable to obtain welfare assistance and her children were denied the free lunches and "were forced to stand in the school yard while the other children ate hot lunches."

The complaint, prepared by CRLA, is believed to be the first which links the Department of Agriculture and a local school board, according to CRLA attorneys Daniel H. Lowenstein and Philip Neumark, who prepared the action.

There have been five such actions filed throughout the United States in recent months and the National Council on Hunger and Malnutrition has announced a boycott of schools which do not offer the free or reduced price lunches across the nation is planned for National School Lunch Week Oct. 12–17.

[From the Modesto (Calif.) Bee, Sept. 5, 1969]

CRLA Crosses Its Fingers, Hopes for Funds to Continue Legal Poverty War

Sacramento.—With fingers crossed, officials of California Rural Legal Assistance, Inc., will send a request to Washington, D.C., next week to fund their controversial war-on-poverty agency during 1970.

"We're somewhat apprehensive," conceded Robert L. Gnaizda of San Francisco, the agency's deputy director.

He said in an interview yesterday afternoon the reason for the agency's apprehensiveness is that it seems to be judged more on politics than on its professional capabilities.

DECLINES COMMENT

Gnaizda said the agency is asking for "close to $2 million," compared to the approximately $1.5 million it has received annually the past three years. He said the increase is due to inflation.

Terry F. Lenzner, the 29-year-old newly-appointed director of legal services for the federal Office of Economic Opportunity, which directs the nation's war on poverty, was in Sacramento yesterday but declined to comment directly on CRLA's chances under the Nixon administration.

REAGAN'S VIEW

He explained he has been on the job only two weeks and is simply moving about the country trying to become acquainted with the various war-on-poverty programs and the men who run them.

The CRLA has become controversial because it has filed "class actions"—on behalf of farm workers and other poverty-stricken persons—against government agencies. It has been successful in a number of cases involving the governor's office and other highly-placed government officials.

Two years ago, Gov. Ronald Reagon temporarily sought to block the CRLA appropriation and bitterly attacked the agency for using federal tax monies in taking governmental offices—including his own—to court.

But, while Lenzner, a 1961 graduate of Harvard University, was non-committal with newsmen yesterday in specific comments on the CRLA, he appeared to favor what the CRLA tries to do.

He said that "in certain sections of the country" the use of class actions, which would affect large numbers of persons, appears to be a better idea than filing an individual court case for each person. But he would not say what sections of the country he had in mind.

He also reported his office is sponsoring experimental "public-interest law firms" which will represent individuals before public agencies. And, he conceded, "attorneys have to represent their clients against the appropriate body."

NIXON STATEMENTS

Gnaizda said that while the CRLA is "apprehensive" it has been heartened by public statements from President Richard M. Nixon. He said Nixon "has indicated that he will give additional funds to the legal-service program—greater emphasis to the legal services (in the war-on-poverty)—possibly because he himself is a lawyer."

As for any possible future attempt by Reagan to veto a CRLA federal appropriation, Gnaizda said he feels Reagan has made very good judicial appointments by using a "merit system—and we wish he would utilize the same 'merit system' when deciding whether to veto OEO programs."

Gnaizda said five investigations have been conducted of CRLA and the agency has received a "clean bill of health" each time. He noted that last year the National Advisory Commission, "composed of prominent attorneys in the United States," presented an award to CRLA for its work in providing legal service for the poor.

However, he said that when he and other CRLA officials met with Lenzner this week they had a "forthright and open discussion" but Lenzner "made no commitments of any kind."

[From the Modesto (Calif.) Bee, Sept. 7, 1969]

FREE LUNCH SUIT WILL GET HEARING

Dr. Bert C. Corona, superintendent of Modesto City Schools, views a poor people's suit which seeks to force the school board to provide free lunches to all needy children as a legal action of national significance.

U.S. District Judge, Thomas J. MacBride has set 10 a.m. tomorrow for a hearing in Federal Court in Sacramento on an order to show cause why the Modesto district should not be compelled to serve free lunches to 3,291 children from needy families, most of whom are receiving welfare.

"I think the issue is one of national importance," Corona said. He said the suit must test the intent of the Congress in providing surplus commodities to schools and the intent of the National School Lunch Act of 1946.

The co-defendant in the suit, the Department of Agriculture, is being asked to show why it is not directing the Modesto Board of Education to provide more than the 400 free lunches the district plans to serve each day this year.

CRLA ATTORNEYS

The action on behalf of nine needy children and their parents was filed by attorneys from the Modesto office of California Rural Legal Assistance. The CRLA claims the plaintiffs represent a class of needy children who are denied the free lunches solely because the school board refuses to comply with the law.

Corona argues the $240,966 in federal subsidies for school lunches, which the suit says were used mostly to subsidize lunches for children of the "wealthy and middle class," is a "ficitious" figure.

The school superintendent said the commodities are free and cost the schools $8,449 for transportation. This cost is paid from the lunch receipts. He said the CRLA attorneys have converted the retail value of this food into cash in their complaint.

In addition, Corona notes the National School Lunch Act provides for a 4.5-cent allocation for each lunch served in the nation's schools. Then the district received $21,000 for free lunches in the "target" schools in low-income communities.

REDUCED COST

Last year the schools reduced the cost of lunches to all children attending the target schools by 10 cents. "We were criticized for this, and I think there is some justification," Corona said. The board will adopt a different policy this year.

Last year the district served an average of 170 free lunches daily.

The suit cites the National School Lunch Act which says: "Lunches shall be served without cost or at a reduced price to children who are determined by local school authorities to be unable to pay the full cost of the lunch."

"The big hangup is what constitutes needy," Corona said.

Eligibility standards have been the basis of disagreements between the school board, CRLA attorneys and a number of poor people who protested to the board several times this summer.

The board has adopted an eligibility level based on a family income of 80 per cent of the current federal poverty line. Of the 2,941 children said to be from families receiving aid to families with dependent children Corona said: "It's not our belief the great bulk of these kids are not receiving nutritional meals."

MORE FLEXIBILITY

Corona said the guidelines for the free lunch program in Modesto, which are scheduled for adoption during the board's 7:30 p.m. meeting tomorrow, allow more flexibility than the strict 80 per cent of poverty income.

He said rather than offer a reduced price lunch to some students, the district will offer one free lunch per week if the student pays for the other four. This plan will be offered to children from families, even those above the 80 per cent guideline, who need help.

A third way students can receive the free lunch, Corona pointed out, will be for the principal to simply place the student on the free lunch program because of some emergency situation in the family, which could range from mismanagement of funds to a family illness.

Letters explaining the availability of free lunches are being sent to parents of all children enrolled in the Modesto City Schools, Corona said.

The district superintendent worked into the weekend preparing briefs to be presented in court tomorrow by Arthur Shaw, deputy counsel for Stanislaus County, who will represent the schools in their defense.

[From the Modesto (Calif.) Bee, Sept. 8, 1969]

CRLA Argues Case for Free Lunches

In Sacramento today, California Rural Legal Assistance attorneys who are seeking to force the Modesto Board of Education to serve more free lunches to needy children today argued the school's eligibility standards are more restrictive this year than last year.

Arthur Shaw, deputy counsel for Stanislaus County, told U.S. District Judge Thomas J. MacBride the CRLA contention is not true.

Arguments continued into the afternoon over whether the federal judge should issue a preliminary injunction forcing the Modesto City Schools District to serve the free lunches to 3,291 children, mostly of families receiving welfare assistance, instead of the 400 lunches, the board has offered to serve daily.

The U.S. Department of Agriculture is named as codefendant in the suit. The suit contends the agency is at fault for not forcing the Modesto Board of Education to serve free lunches to all children of families either receiving federal food stamps or welfare aid.

IMPROPERLY SERVED

Attorneys for the Department of Agriculture, including one from Washington, D.C., argued federal government representatives were not properly served and should not be included in the action. The judge made no ruling on the point.

A provision to serve more than 400 students by offering free lunches to some students one day a week and on an "emergency" basis as determined by school principals will be considered by the board when it adopts the official free lunch policy scheduled for the 7:30 o'clock meeting tonight. The board will meet in the administrative offices at 426 Locust St.

CRLA filed the suit last week on behalf of two Modesto families of nine needy children and thousands of similarly situated students the suit says are unable to afford a hot lunch.

Additional revenues for school lunches are in the offing by the state. If the money becomes available, Dr. Bert C. Corona, district superintendent, said up to 850 lunches could be served on a daily average. There are 21,000 students in the Modesto City Schools.

BOARD AGREEMENT

The Modesto Board of Education agreed to revise its free lunch program this year after a number of poor people, their attorneys and others speaking for the poor appeared before the board this summer to protest the previous program in which only 170 free lunches were served daily last year.

The district used federal funds to lower the cost of school lunches by 10 cents to all students in "target" low income communities, Dr. Corona said.

The suit argues all federal assistance including the 4.5 cents per school lunch granted all schools and the surplus commodity foods schools receive should all be used to provide the free lunches for the needy instead of lowering the cost of lunches for the "wealthy and middle class."

By including the value of the commodities the suit alleges the Modesto schools are using $240,966 in federal funds to lower the cost of all lunches rather than providing the free lunches to the needy.

SCHEDULED ADOPTION

The lunch program scheduled for adoption tonight states it is the philosophy of the board "that a free lunch program is a welfare program and that it is the responsibility of nonschool agencies whose primary role is that of welfare."

The issue, Corona said, "is one of national importance." He said the CRLA suit will have to test the intent of Congress in providing the surplus commodity program to the schools and the National School Lunch Act of 1946.

[From the Modesto (Calif.) Bee, Sept. 9, 1969]

COURT ORDERS SCHOOLS' LUNCH PLAN CONTINUED

(By J. Robert Bazemore)

The Modesto Board of Education last night delayed adopting a new free lunch program for needy children after U.S. District Judge Thomas J. MacBride in Sacramento yesterday afternoon ordered the district to continue with last year's eligibility standards.

Judge MacBride issued a temporary restraining order and set the next hearing for 10 a.m. Sept. 22 in the U.S. Eastern District Court, Sacramento.

This year's free lunch program is more restrictive, argued attorneys Philip Neumark and Daniel Lowenstein, both of the Modesto office of the California Rural Legal Assistance who are representing the plaintiffs, two Modesto families with nine children.

The CRLA lawyers said more than 1,000 additional school children now will be eligible for the free lunches than the 400 daily free lunches the Modesto Board of Education had planned to serve.

The proposed policy scheduled for adoption last night would have set eligibility at 80 per cent of the federal poverty level income. It would have eliminated some of those families receiving welfare.

However, Dr. Bert C. Corona, district superintendent, disputed the CRLA assumption today. He estimated fewer students will be eligible for the free lunches under last year's rules. Last year the schools served an average of 170 free lunches daily.

The suit, filed last week as a class action on behalf of all students in the schools who need free lunches, contends the district should offer lunches to 3,291 children, most of whom are of families receiving aid to families with dependent children.

Dr. Corona said that actually last year the schools did not follow their own rules. If the board were to use a strict interpretation of last year's policy, Dr. Corona continued, no child from a family receiving welfare would be eligible and a student must maintain "good citizenship" in order to receive the free lunches. An investigation is required and screening is done by at least two school officials or a Parent Teacher Association representative.

The U.S. Department of Agriculture was named as a co-defendant in the free lunch suit in a move to have the federal government force the Modesto schools to offer the free lunches to all needy children as CRLA contends is provided in the National School Lunch Act of 1946.

However, the USDA was at least temporarily released by the judge yesterday from the action because Clifford M. Harding, USDA secretary, had not been served the complaint within the time limit.

CRLA lawyers said the federal and state governments will be brought into the suit.

An opinion just handed down by U.S. District Court Judge Stanley Peckham of the Northern District in San Francisco in another CRLA instituted school lunch program administered by USDA.

The suit, just as the one against the Modesto Board of Education, contends the federal funds are being used by schools to subsidize lunches for children who can afford them.

Judge Peckham denied the preliminary injunction but held the matter open for 60 days pending the effect of a notice by USDA Secretary Hardin asking for compliance by local school districts.

In his opinion Judge Peckham said if the states are not fulfilling their obligation to determine which children are needy and eligible for the free lunches, the USDA secretary "should either take steps to insure that either the funds are applied correctly or terminated."

The judge said the statute does not spell out any specific method to insure compliance and the steps should be up to the USDA. However, the opinion says the state has the "primary responsibility for compliance" because federal funds are channeled through the state department of education.

[From the Modesto (Calif.) Bee, Sept. 11, 1969]

RULING RETAINS LUNCH SETUP OF LAST YEAR

(By James Dufur)

SACRAMENTO.—Federal Judge Thomas J. MacBride yesterday afternoon ordered the Modesto City schools to retain their present free lunch program for needy pupils.

But at the end of a 3½-hour hearing in the judge's courtroom here, the judge conceded it still is not clear just exactly what the program is.

Specifically, Judge MacBride ordered a preliminary injunction drawn up which will order the Modesto City Schools District to utilize the same free-lunch program this year that it had during the 1968–69 school year.

The injunction will remain in force until the judge reaches a decision on a suit filed by California Rural Legal Assistance, Inc., asking that the school district be required to provide free lunches to all children of families which are on welfare or receive some other type of public assistance.

The judge's decision could have far-reaching effect, in California and in other states. The judge himself set out the problem during the hearing.

MUST SCHOOLS FEED?

He said he must decide whether a school district—"if it elects to participate in the (federal) school lunch program"—Must provide free or reduced-price lunches to youngsters whose families cannot afford to pay for the youngsters' lunches.

Judge MacBride noted he is sitting alone at this point in the Eastern California U.S. District Court but he promised to give the case priority status in an effort to reach an early decision.

The Modesto City School Board has indicated it will withdraw from the federal school lunch program if Judge MacBride grants CRLA's request.

Earlier this month, the judge issued a temporary restraining order—at the request of CRLA—instructing the school district to continue last year's program. The school board had planned some changes in the program.

Complicated and lengthy arguments broke out among attorneys representing CRLA, the U.S. Department of Agriculture—which administers the school-lunch program—the school district and state government over what the district will have to do to retain the status quo.

NEEDIEST GET LUNCHES NOW

Philip Neumark of CRLA wanted the judge to issue specific instructions to the school district. He argued all afternoon that even though Judge MacBride already has ordered the school district to return to the 1968–69 program, the school district "keeps throwing up roadblocks" for parents wishing to get their youngsters in the program.

But the judge, at first, wanted to include only a policy statement issued by the district last spring which promised that the district always would strive to provide free lunches for the neediest.

Later, Judge MacBride agreed to include some specific guidelines which the district set up for itself last spring.

That still did not satisfy Neumark or the 30 Modestans who traveled by chartered bus to Sacramento to view the court proceedings. Grumbled one spectator after he had left the courtroom:

"They (the school district) still will keep us out of it."

The judge said the guidelines show that priority for free lunches will go to the neediest "regardless of income" and a committee will make "verification of (the youngster's) unmet needs" before the pupil gets free lunches.

He noted that simply being a member of a family receiving welfare will not assure that the pupil is eligible.

Federal attorney Gary Baise of Washington, D.C., argued that Congress also intends for local officials to determine which pupils are eligible for free lunches.

Neumark said the district gets $80,000 from the federal government to help finance the school-lunch program, $20,000 to provide free lunches and $135,000 worth of surplus foods.

All of this he held, should go toward the free-lunch program suggested by CLA, which was estimated to cost about $200,000.

It was reported the district plans to spend $29,000 on the free-lunch program this year.

Shaw expressed concern that Judge MacBride's temporary restraining order was interpreted by the news media to mean that the judge had found the school district "at fault."

DISTRICT NOT AT FAULT

Commenting before he actually issued his order, he answered:

"I do not intend to find the school board at fault."

Later, he added:

"I'm not finding fault with anyone. I just want to maintain the status quo (until making a final decision)."

It was brought out during the hearing that one of the changes between last year's district program and this year's proposed program is that the needs of a family on welfare were used as a guideline last year in determining whether a pupil should get free lunches, whereas this year the district had intended to consider a pupil eligible if his family income was 80 per cent of what the war on poverty program considers poverty level.

[From the Modesto (Calif.) Bee, Sept. 11, 1969]

NIXON AIDE CALLS LUNCH PROGRAM SCANDAL

WASHINGTON.—The White House's expert on nutrition called the nation's school lunch program "really a scandal" because many urban school districts do not participate in it.

Dr. Jean Mayer, said two-thirds of America's indigent children are not reached by the school lunch program.

"Practically all the wealthy suburbs have heavily subsidized school lunch programs while the urban poor do not," Dr. Mayer told a press conference following his address here to the fifth International Congress of Dietetics.

City school districts, he told the meeting, use the excuse of no kitchen or dining facilities for not starting a lunch program.

"If we can give an overfed businessman a dinner in a plane flying at 600 miles an hour 10 miles up, we ought to be able to feed poor children in a classroom," he said.

Mayer urged the nation's dietitians to lobby in their home states, cities and counties for expanded programs to feed the nation's hungry—which he estimated at about 20 million persons.

He pledged the Nixon administration to an expansion of the food stamp program that is designed to increase the food buying power of the poor. But, he said, the government eventually wants to replace food stamps with direct cash allotments for food.

Meanwhile, he said, the program will be expanded to include some of the 500 to 600 counties who now do not participate. In addition, Mayer said the government wants to lower the cost of food stamps to the poor, who buy stamps which give them an average of a third more purchasing power.

He also said the administration wants to substitute food stamps for a parallel program under which the poor receive surplus food.

As a nutritionist, he said, he would not select the foods that are included in the Agriculture Department list of surplus commodities. He singled out lard as one food that should be omitted.

"A child getting commodities just isn't eating what every other American child eats," he added. "He is excluded from what in effect is the national communion table."

The poor, Mayer said, prefer cash to commodities or stamps. And it would simplify the administration of an anti-hunger program.

But, he said wryly, rents in ghetto areas would probably go up if the poor were given more cash to buy food.

[From the Modesto (Calif.) Bee, Sept. 12, 1969]

Foes Disagree On Free Lunch Rules

The question of who should get a free lunch in the Modesto City Schools is answered differently by both sides in a federal court case to be heard Sept. 22.

Before school opens this week U.S. District Judge Thomas J. MacBride in Sacramento directed the schools to continue to use last year's eligibility standard's until the hearing.

But school official and California Rural Legal Assistance attorneys, who filed the suit, do not agree on interpretation of last year's rules.

CRLA says the old policy would make about 1,500 children on welfare eligible if all families with unmet needs were served free lunches. But Dr. Bert C. Corona, school district superintendent, argues those families are neither "precluded nor guaranteed" the lunches.

CRLA UNSUCCESSFUL

CRLA attorneys Philip Newmark and Daniel Lowenstein yesterday appeared before Judge MacBride in an unsuccessful attempt to have him hear the case earlier.

"We didn't feel what the school was doing was adequate," Neumark said. "We found a lot of people didn't even know about the school lunch program."

Dr. Corona said the CRLA attorneys submitted 100 applications this week from families asking for the free lunches which had been collected by those working for an increased program. He said the applications will be processed, although the normal procedure is to submit the applications to the school principal.

"BEING IMPOSSIBLE"

"They (CRLA) are just being impossible," Dr. Corona said. He said the attorneys and others working for more lunches are "totally uncooperative."

The suit on behalf of two Modesto families contends nearly 3,000 children from families on welfare should receive the free lunches, instead of the 400 the schools had planned to serve this year.

Free lunch applications are available from each school principal and must be returned by the parent to the school, Corona said. He said the welfare department is then contacted to determine if the family has an unmet need and "we put with that what we know."

"The final judgment rests with the staff," Dr. Corona said.

[From the Modesto (Calif.) Bee, Sept. 14, 1969]

School Board May End Free Lunches—Hinges on Court Decision

(By J. Robert Bazemore)

If the Modesto Board of Education is forced by the courts to spend more than it has allotted to provide additional free lunches for needy children, the schools may withdraw entirely from the federal school lunch program.

In response to a suit filed by California Rural Legal Assistance on behalf of children who cannot afford to buy lunches, Dr. Bert C. Corona, district superintendent, said he will ask the school board to terminate its participation in the program if the suit is successful.

The suit names two Modesto families as plaintiffs and says the schools should use federal funds and surplus commodities to offer free or reduced-price lunches to more than 3,000 children, mostly on welfare, instead of using the subsidy to reduce the cost of lunches to all children. The schools last year served an average of 170 free lunches daily. This summer, after protests by critics of the school lunch program, the board agreed to serve an average of 400 free lunches daily.

SERVE 178

After three days of school, Dr. Corona reported Friday 178 children are receiving the free lunches. He said 92 are being fed free on an "emergency" or temporary basis.

The school superintendent replied to the suit filed in the U.S. District Court in Sacramento in an affidavit filed in the same court last week. A hearing is set for Sept. 22. Meanwhile, a judge has ordered the schools to continue with last year's eligibility standards instead of a revised plan which would have eligibility on family income.

Dr. Corona said the suit criticizes the new plan because the board limits school expenditures for free lunches according to its budget for the year.

"If the school were tied down with legislative or judicial requirements" in which the schools had to spend other funds, Dr. Corona says in his affidavit he would recommend ending the school lunch program participation in federal subsidies.

$219,142 LAST YEAR

The subsidies, in cash and surplus commodities, last year amounted to $219,142, CRLA contends in the suit. It is charged only $32,839 of the amount was allocated to feed needy children and $11,014 was used for free lunches.

Dr. Corona, in his affidavit, says this is a "deceptive" figure in that the "fair market value" of the commodities is not real value since the school district must pay a "handling charge" to receive the food.

The district also receives 4.5 cents for each "class A" hot meal served in the schools. Dr. Corona claims this is a "reimbursement" rather than a subsidy. He says the district feels "it is proper" to pass on this 4.5 cents to every child who purchases a meal, and the school lunch program for this reason is operated on a "nonprofit" basis in accordance with the National School Lunch Program, Dr. Corona claims.

If the Modesto schools were to withdraw from the federal programs, the cost of school lunches to all students would increase. The CRLA suit argues the number of free lunches offered to needy children could be increased by continuing with the federal programs and by increasing the cost of lunches to children of the "wealthy and middle class."

CRLA OBJECTIVE

In a letter to Dr. Corona Friday, CRLA attorneys Daniel Lowenstein, Philip Neumark and Gene Livingston said their "sole objective in this controversy is to see to it that the needy children in the Modesto schools receive free lunches."

The point out the temporary restraining order issued by U.S. District Judge Thomas J. MacBride last Monday was "to assure that needy children would receive free lunches" pending the Sept. 22 hearing.

CRLA charges the school district is using the court order to "employ cumbersome and wasteful procedures that result in the delay and denial of free lunches to children who cannot afford to purchase them."

CRLA and others interested in expanding the free lunch program obtained free lunch applications from some Modesto families and submitted them to the schools' administrative office last week. Dr. Corona said the applications will be distributed to individual schools for review.

CRLA named the U.S. Department of Agriculture as codefendent in the suit, and Dr. Corona said the litigation may have national significance.

WILL BRING IN

Although the USDA was released from the suit because of a legal technicality, CRLA promises federal and state agencies will be brought into the court action.

Most California schools, and school districts in many other states, use the federal school lunch funds and surplus commodities in much the same way as the Modesto schools.

However, an opinion issued this month by another federal judge in San Francisco over another CRLA school lunch suit states the federal government can withhold funds from a local school district if it does not comply with the Federal School Lunch Act by serving free or reduced price lunches to needy children.

The Modesto Board of Education last April revised its free lunch program in order to meet the requirements of the federal program.

[From the Modesto (Calif.) Bee, Mar. 31, 1970]

[Letter to the Editor]

PROUD OF BOARD

Editor of The Bee—Sir: Modesto has every right to be proud of its school board. Its members had the integrity and principle to handle the lunch situation as they did.

The harassment and criticism they have been subjected to is deplorable, including the political hearing of US Sen. George McGovern.

The board has my complete support in these actions. My family and friends who have discussed this feel the same.

Modesto.

G. T.

[From the Modesto (Calif.) Bee, Apr. 1, 1970]

[Letters to the Editor]

SENATOR, GO HOME

Editor of The Bee—Sir: We wonder just what this country is coming to, or should I say what California is coming to.

The trend of the times and the way a group of people is trying to rule things, it seems as if they are trying to make California the scapegoat. A suggestion is made about a certain issue and the first thing we know it has grown into being a menace brought on by a few people haggling over it. And many of these haggling ones are not even taxpayers.

This issue being discussed is the program of feeding the poor children at school. I cannot understand why so many outside people seem to thing they have a right to meddle into the business of the welfare system. After all, that is the business of that group. They have capable investigators to see into just which children should be fed and which ones are from homes that are being assisted by checks each month. That method could be handled in a quiet businesslike way and all of this hassle would never have come up. But no, someone had to get busy and make a political issue out of it. They are meddling with things that do not concern them instead of letting Dr. Bert Corona, William Rose and the other members of the Board of Education manage this. After all, they are the official ones, not these outsiders.

Something else, a number of people believe these legal assistance attorneys are getting a little bit toward overstepping their positions. Anyway, the wisest thing for these meddlers to do is to let Dr. Corona and his group manage this children feeding program. Especially this senator from back East. What he should do is go back home and keep his nose out of another state's business.

Modesto.

B. BOYLAN.

PROUD OF CRLA

Editor of The Bee—Sir: The California Rural Legal Assistance has held a mirror in front of us. If we do not like what we see, we should change our behavior.

Hungry children should be fed. Poor and powerless people should be protected from the wealthy and powerful. This is only justice.

I am happy to pay taxes to support the CRLA. It also should be well fed and given more mirrors. The CRLA makes me proud to be an American.

Los Banos.

MIKE STARRY.

WANTS LUNCH VOTE

Editor of The Bee—Sir: Since we taxpayers are paying for the free lunches in our school systems, why not allow us a voice in this matter? Please put this on our next ballot.

I think it is terrible that innocent children should suffer but it is time we do something about those shiftless freeloaders on the welfare rolls.

People ought to realize you must pay for everything you receive. This world owes no one a living.

My husband and I have worked hard to provide for our family. We have two children and felt that with the cost of living of today we could not provide for more. But people on welfare know that each new addition to the family means an increase in welfare handout. These people have a fixed monthly income. Let them provide lunches for their children just as we working people do who have varying income.

Once and for all settle this issue and stop each and every free lunch. There is no place to draw the line.

Our school's business is educating our children, not feeding them. If we give in to this the next demand will be free clothing.

Taxpayers, arise against this problem before we are taxed to death. This is becoming a mockery to all of us who are working to provide for our own families.

As one social worker told me, among welfare recipients this is not known as Stanislaus but Santa Claus County.

So, taxpayers, you see we are paying and being laughed at as we pay.

Ceres. SUE MCCORMACK.

IS ENVIOUS

Editor of The Bee—Sir: In the recent television coverage of picketing for school lunches, how many of you noticed the mothers of these hungry children who wore quite expensive coats, some cashmere with mink collars? Cannery workers' wives cannot afford such coats but the welfare recipient can?

In listening to mothers talk about the lunch program, one fact is very clear. It is easier to have the school fix the lunch. The mothers are saved the time and effort; in fact, they cannot be bothered even to teach their children how to pack a decent lunch. Unfortunately, many of these people do not even know what a budget is.

Recently, while shopping at a supermarket I settled for chicken and ground meat, the cheapest items. I looked with envy at the woman ahead of me at the check stand. She had a boned rolled turkey roast (these cost more than $9), hamburger patties all fixed in special packages, the best and most expensive frozen dinners. There was not one inexpensive item in her cart. She paid for it with food stamps.

Modesto. ANNE HOOPER.

QUESTIONS HEARING

Editor of The Bee—Sir: Since most legislation in the United States is enacted on the one man-one vote theory, how is it possible that the same ratio was so obviously not observed in the hearing held before US Sen. George McGovern?

I know many people who applaud the action of the Modesto Board of Education who were not heard. To my knowledge, the community is not prepared to go on record as being 2 to 1 against the board, yet such was the suggestion presented the senator. Why, if this was to be an impartial hearing, were so many people of one persuasion allowed to speak and so few of the opposite opinion heard?

It would be interesting to know who organizes such hearings. Is it a strictly bipartisan group? Who picks the witnesses and how is the location chosen? One has the feeling this sort of "impartiality" only contributes to unfortunate polarization.

Modesto. CAROLYN OSTERHOLM.

[From the Modesto (Calif.) Bee, Apr. 2, 1970]

MOVE MAY REOPEN MODESTO SCHOOLS FREE LUNCH SUIT

An antipoverty attorney and a welfare organizer in Modesto have served a subpoena on Schools Supt. Bert C. Corona concerning questions which could lead to the reopening of a federal court case over serving more free lunches to Modesto City Schools children.

The notice to take depositions at 10 a.m. tomorrow from Dr. Corona and two other school officials was served by California Rural Legal Assistance attorney Philip Neumark and Don Wilson, a welfare rights organizer, after a negotiating session between Dr. Corona and a committee of the Citizens to Save the School Lunch Program. The meeting was closed to the public.

RESIGNATION

The Rev. Monroe Taylor announced he has resigned as chairman of the citizen's group because of the "CRLA intervention." The Rev. Taylor favored the plan offered by Dr. Corona to re-enter the federal program by serving only those needy children eligible under the school board's criteria.

Members of the committee said negotiations broke down when Dr. Corona withdrew a proposal which would have placed the school district back in the federal assistance program and increased the number of free lunches served needy children. The committee previously had rejected the proposal.

REASON FOR WITHDRAWAL

Dr. Corona said he withdrew the offer because a promise from the State Department of Education of increased financing for next year was withdrawn. He said the state, which administers the federal funds, offered only to finance an expanded program this year.

He said the offer of money was the same as that made previously by the Office of Economic Opportunity through the Stanislaus County Community Action Commission.

Dr. Corona said he offered the committee the possibility of re-entering the federal lunch program and serving needy children under a criteria considered by the Modesto Board of Education last September. However, this proposal which offers free or reduced price lunches to children of families with incomes at 80 per cent of the OEO poverty level was restrained by a federal court and was not acceptable to the citizens group.

GENERAL INTERPRETATION

The federal court order against the school district is interpreted by both sides as asking the schools to serve 2,800 needy children free lunches instead of 450 daily. The school board subsequently withdrew from the federal assistance program which was used to reduce the price of all lunches in addition to providing the free meals.

Dr. Corona said he is "under the assumption the matter will be taken back to court." He said he is seeking advice from the county counsel's office today on whether to comply with the order for additional statements.

The order, signed by the clerk of the US District Court, Eastern District, asks Dr. Corona, Clyde Hull, supervisor of attendance and child welfare, and Harley Pulliam, supervisor of food services, to appear at the Modesto CRLA offices with information concerning the school board's decision to withdraw from the program, how it was effected and the use of the surplus food and federal funds provided under the program.

OTHERS INVOLVED

Neumark said further litigation is a possibility. He said it will depend on what information is gained from the depositions.

The negotiations which were conducted between Dr. Corona, as a representative of the school board, and a three-member committee of the citizen's group also involved Don Quisenberry, director of the Stanislaus Country Welfare Department; Robert Gallo, chairman of the Modesto Human Rights Commission, and Neil Bodine, CAC executive director.

[From the Modesto (Calif.) Bee, Apr. 7, 1970]

BOMB THREATS, SIT-IN FOLLOW LUNCH DEBATE

(By Fred Youmans)

A sit-in demonstration at the Modesto Schools Administration building today and telephone threats to Board of Education members and school lunch supporters followed a tense, 35-minute free lunch debate last night.

A plainclothes Modesto police officer assigned to observe the 40 protesters who lined a downstairs hall of the schools' offices on Locust Street at 10 a.m. said no arrests would be made as long as passageways and doorways remained clear and there were no loud noises.

But the protesters, many high school students who did not attend classes for the second day, said they planned to remain in the building until after the 5 p.m. closing, a matter the police said they will deal with if it occurs.

The limited but lively discussion during last night's school board meeting was calmed somewhat by the presence of police officers and the video-taping of the proceedings by an employee of the Stanislaus County Office of Education. The taping was requested by the police, it was explained.

SHOVING MATCH

Only one flare-up, a brief shoving match occurred. Three uniformed officers moved into break up the scuffle between a pro-school lunch student and a pro-school board attorney.

Four of the five school board members told authorities they received bomb threats by telephone in their homes two hours after the meeting.

Some members of the Citizens to Save the School Lunch Program who met after the meeting at the Stanislaus County Cooperative Association in west Modesto said they, too, received threatening phone calls during their meeting.

Threats were reported by Mrs. Harriette Kirschen, board president; Mrs. Jean Knowles, E. W. Rose and Joseph D. Smart.

The police said the call received by Dr. Morris Kirschen was typical. He was told by a young man a bomb would be thrown at his home about 3 a.m. Dr. Kirchen said the background noise on the phone sounded like a room full of people. Police officers patrolled the homes without incident.

Mike Angelo, acting as spokesman for the demonstrators today, said the reason for the peaceful protest is because of the threats made to parties on both sides of of the school lunch issue.

"SAME PEOPLE"

"We had the impression the same people who called us called the school board," Angelo said.

Angelo and several of the other free lunch supporters were to meet later this afternoon with supt. Bert C. Corona to discuss what was said to be their two grievances—immediate reinstatement of the federal school lunch program and an investigation concerning an incident reported at last night's board meeting in which a school principal allegedly twisted the arm of a woman who had applied for free lunches for her six children.

Last night's meeting was unlike two previous board meetings, when discussion ranged loud and long. Angry free lunch supporters on March 16 actually forced Board Chairman Harriette Kirschen to gavel adjournment before the board could act on its regular agenda.

Steps taken last night to keep order included the presence of uniformed and plainclothes police officers, the alteration of procedure in which the discussion period came after, and not before, the regular business agenda, and by adjourning early at 9:35 p.m. to executive session.

The meeting also was unlike the previous two in which free lunch supporters dominated the audience. The approximately 250 persons in the audience last night in the Davis High School Little Theater were almost equally divided in support of the free lunch program and in support of the board's withdrawal from the program.

The discussion period began at 9 p.m., after an hour and a half of tending to a noncontroversial regular agenda. A 10-minute recess was called by Mrs. Kirschen between the close of the regular agenda time and the beginning of public discussion.

Don Wilson, a welfare rights organizer, attempted several times to be heard during the period for the regular agenda. He was gavelled down each time by Mrs. Kirschen.

Wilson charged the board with deliberately changing the format of the meeting "to make the people wait." He also attempted to ask questions on regular items, but was prevented by Mrs. Kirschen. She explained the period "is not for open discussion, but merely consists of reports to the board and not questioning of the board."

The presence of police, including Chief Jerry Ammerman, was acknowledged further by Mrs. Kirschen when she read a statement from Police Capt. Gerald

McKenzie that anyone willfully disrupting a public meeting is guilty of a misdemeanor. The reading was greeted both by applause and derisive hoots.

The board was supported last night by George Ground and Joe Byrne, both of whom presented petitions signed by 773 and 600 persons, respectively, supporting the board's position in withdrawing from the National School Lunch Program. The petitions expressed both "confidence in the board and School District Supt. Bert C. Corona and contempt for the anarchistic actions" of opponents.

The board also got support from Mrs. Barbara Brady, a welfare mother, and George Kell, an attorney.

Mrs. Brady, whose statements drew hisses and boos, said "welfare does not require a free lunch for children."

Kell, the final speaker, blamed "pressure groups" for causing the turmoil about free lunches. Scornful of federal aid because federal guidelines inevitably follow, Kell said the board, "through local option," must decide the issue. "But to get to the point, you have no choice," he said. "You have been driven to the wall, then asked to negotiate."

Warning again of the motives of "pressure groups," Kell told the board "what you have done is perfectly proper . . . stand by your guns."

Dr. John Boyd, a member of the steering committee of the Citizens to Feed Hungry Children, inquired into the status of negotiations between Dr. Corona and Mrs. Kirschen and representatives of low-income groups.

"It is apparent that there is a polarization of the community," Dr. Boyd said. "Thus, it would be wise to learn of the status of negotiations and if the district is planning to re-enter the lunch program."

"HEADED TO COURT"

Dr. Corona said the negotiations were terminated last Tuesday, when a subpoena was served by attorneys of the California Rural Legal Assistance. "The matter now appears headed to court," the superintendent said.

Dr. Boyd persisted. "That is the status of your negotiations with the CRLA and the courts," he stated. "What is the status of your negotiations with the people?"

Dr. Corona said the school district will re-enter the lunch program "when conditions are clear and the program is continually funded on a criterion of eligibility acceptable to the board."

Jim Switzer, representing the free lunch supporters, asked Mrs. Kirschen to call a special meeting on free lunches "to find a common meeting ground." Warning that people "are willing to go to jail, if that is the way to break the board," Switzer said lunch supporters "want instead to sit down and talk to the board."

TWO MEETINGS

Mrs. Kirschen said the board has held two open meetings on the subject "and after I allowed 4½ hours of absolute abuse (March 16) . . . the board flatly refused to meet openly again."

But she finally agreed to poll the board upon Switzer's request. The vote was unanimous. Board member E. W. Rose said "after having discussed the issue at length and at due elaboration our stand is well known and I see no reason for any further public meeting on the subject."

Switzer, stating he was "sorry" about the outcome of the vote, told the board "it could solve a bitter problem."

Bitterness was evidenced when David Talamante, of the Stanislaus County Co-Operative Association charged that a school official had twisted the arm of a woman who had applied at Shackelford School for free lunches for her child yesterday.

"You can't keep treating people this way," Talamante yelled. "We're not going to keep taking this ———; we're not going to be treated like animals any more."

Wilson asked the school board to suspend the official. The comment produced a brief shoving match between Kell, who told Wilson to sit down, and a young student.

Police moved in separated the two and dragged the combatants and dragged the student to the side. The Rev. Jack Takayanagi, a member of the Community Action Commission executive board, helped to restore order.

Mrs. Kirschen, responding to Talamante's charge, said "if there is a need for an investigation, there will be an investigation." (Dr. Corona also later met with the woman whose arm reportedly was injured).

Kell's comments followed, and the public meeting phase of the board meeting was then closed by Mrs. Kirschen.

The board's executive session included a personnel matter and a report by Dr. Corona on the progress of negotiations concerning teacher salaries.

[From the Modesto (Calif.) Bee, Apr. 8, 1970]

POLICE ARREST 31 FOR REFUSAL TO END SIT-IN

(By J. Robert Bazemore)

School lunch demonstrators returned today to the Modesto City Schools Administration Building following the arrest yesterday of 31 charged with trespassing when they refused to leave an all-day sit-in after the building was closed at 5 p.m.

Fourteen demonstrators arrived at the building at 10 a.m. today and said they expected more later. They said they had not decided whether to again stay after closing and face another arrest.

Before the police escorted each protester from the building yesterday the demonstrators asked Schools Supt. Bert C. Corona for a meeting to seek a compromise of the Board of Education's refusal to reenter the federal school lunch program.

MEETS LEADERS

Although Dr. Corona refused to negotiate further with the group he met today with Mike Angelo of Modesto, acting as a spokesman for the Citizens to Save the School Lunch Program, and with David Abril Talamante, a leader of the group.

The group will no longer discuss the free lunch issue with Dr. Corona, Angelo said today. He said we will deal directly with the school board. "That seems to be the place we can get the answers," Angelo commented.

Angelo said "more important citizens in the community" are seeking to reach some agreement with the school board. During the arrests last night Modesto City Councilman Phillip Newton made an effort to get some demonstrators to leave before they were arrested. He said he had been in contact with school board members to reach some compromise. Trustee F. W. Rose also watched the arrests.

MEMBERS PLEAD

Just before the arrests began yesterday several members of the group made the plea to Dr. Corona for further negotiations.

"I've tried to sit down, and what do they do? They come and throw a subpoena in my lap," said Dr. Corona.

Don Wilson, chairman of the Citizens to Save the School Lunch Program, told the superintendent the California Rural Legal Assistance attorneys who last week obtained a court order to ask school officials questions "work for the people." He said, "We can tell them to drop it in a minute."

STATEMENT READ

Dr. Corona then stepped in front of the demonstrators seated quietly on the floor just outside his office and in front of the school board meeting room and read a statement, declaring the building closed and advising anyone remaining would be arrested for trespassing.

Sgt. Phil Ogden of the Modesto Police Department read another notice citing Section 602 (n) of the California Penal Code declaring it a misdemeanor to fail or refuse to leave a public building when it has been closed.

Ten plainclothes detectives and a number of uniformed officers under the direction of Police Chief Jerry Ammerman conducted the arrests of the demonstrators, most of whom are students at Modesto Junior College and Stanislaus State College.

After the police took movies, still pictures and recorded statements, each demonstrator was escorted individually from the building through a side door by four teams of two uniformed officers. Citations were issued ordering each demonstrator to appear later this month in the Modesto Municipal Court.

Talamante, 29, 325 Grant St., Turlock, one of the leaders of the group, also was charged with resisting arrest when he responded to the arresting officers in Spanish. The officers then reached down to lift him up from his seated position and Talamante left the building voluntarily. The police report indicates the officers knew Talamante speaks fluent English.

Wilson, 40, of 305 Longfellow Ave., Modesto, was first to be arrested, followed by Lonnie Darl Anderson Sr., 39, of 1525 Nian Way, Modesto, who was booked into the Stanislaus County Jail on a bench warrant for non appearance on what he said was a tax payment charge. He was released later on $100 bail.

The others cited in the order in which they were removed from the building were David Earl Brown, 24, 3135 Kiernan Ave., Modesto; Jon Michael Teitelbaum,, 23, 1015 Durant St., Modesto; Michael Frank Ursini, 27, 711½ Sycamore Ave., Modesto; William Nathan Scoggins, 23, 3201 Golf Road, Turlock; Michael Lewis Kein, 21, 125 N. Appling Ave., Waterford.

Donald Eugene Fromm, 32, 1437 Normandy Drive, Modesto; Thomas Rex Owens, 20, 502 College Ave., Apt. 2, Modesto; James Thomas Tharp Jr., 22, 1621 Vernon Ave., Modesto; David Leroy Travis, 18, of Placerville; Jared Lynn Zeff, 22, 1105 Country Club Drive, Modesto; Robert William Taylor, 620 Paradise Road, Apt. 202, Modesto; Patrick Daniel Keane, 18, 821 4th St., Apt. 4, Modesto.

Norman Kent Holsinger, 21, 1500 Verduga Ave., Hughson; Robert Allen Hart, 1019 Coldwell Ave., Modesto; Rodney John Brummund, 18, 502 College Ave., Apt. 2, Modesto; Donald Gene Taylor, 17, 1214 South Ave., Modesto; Allan Dale Mitchell, 17, 1717 Pelton Ave., Modesto.

Wallace Stanton Davis, 21, 1302 Faustina Ave., Modesto; Donald Eugene Lancaster, 18, 1105 Superior Ave., Modesto; Valerie Letha Brown, 23, 401 Virginia Ave., Modesto; Sherry Diane Floyd, 21, of 2609 Chester St., Modesto; Louise Marie Haberbush, 19, of 1923 Tracy Court, Modesto; Katherine Marion Price, 23, of 332 Clifford Ave., Turlock; Linda Anne Carpenter, 801 Spencer Ave., Modesto; Rosalinda Hernandez, 20, of the Wagon Wheel Motel, Turlock; Norma Jean Brighton, 3324 Polaris St., Modesto; Catherine Mary Ann Wayne, 18, 2028 Girard Ave., Modesto, and Jeanette Marie Klein, 19, 125 N. Appling Ave., Modesto.

The two juveniles were cited to the Stanislaus County Probation Department.

A number of high school students joined the demonstration earlier in the day but left before Dr. Corona read his statement.

Just before the last arrest was made at 5:58 o'clock two young women seated near the front door got up and walked out to their mother waiting outside.

She looked inside the doorway and announced, "We still believe in the cause, but they're just doing what they think is right." One of the girls turned to walk back into the building but an officer stopped her, stating the building was closed.

Several announcements were made during the arrests by the police, offering anyone the opportunity to get up and leave the building without being cited.

Several of the demonstrators commented afterward on just and fair handling by the police. They contrasted yesterday's procedures with one of the first demonstrations several weeks ago when an outside group joined the protesters and two windows in the school's administration were broken with rocks hurled by the outsiders.

One demonstrator said the police now are more sympathetic because "they've been going to the school board meetings and they know the issues." A number of police officers had patrolled Monday's school board meeting when the school lunch issue was debated for 35 minutes.

Dr. Corona said he met with a few of the protesters earlier in the day when they expressed concern over four issues.

He said they were in the building for the sit-in as a "reminder to us the only compromise was for the Board of Education to move back in the National School Lunch Program."

Dr. Corona said the group told him they were sorry school board members had received telephone threats following the Monday meeting but assured him the calls were not made by anyone from their group. He said they expressed "distress" with the school board meeting and were concerned about an investigation into an alleged incident between a south Modesto mother and a school principal when she applied for free lunches for her children.

The school board withdrew from the federal assistance program when a federal court ordered the district to serve 2,800 needy children free or reduced price lunches instead of the present 450. Then the board refused an offer of $20,000 from the Stanislaus County Community Action Commission to meet a deficit the schools may face by increasing the lunch program.

Meanwhile, Dr. Corona today said he is having about 30 file cabinets of valuable school records removed from the building as a "precaution."

He noted the building is not fireproof and he said additional fire alarm devices have been installed since the school lunches became an issue.

He said there have been no threats of fire but "We are concerned the building could be the target of some action in view of what has happened throughout the country."

The old structure was once a school building. In fact, Dr. Corona's office is the room in which he attended first grade.

[From the Modesto (Calif.) Bee, Apr. 9, 1970]

PRINCIPAL IS REBUKED FOR INCIDENT

Chris A. Oleson, principal of Shackelford Elementary School, Modesto, was reprimanded by Schools Supt. Bert C. Corona yesterday following a mother's complaint over the handling of a free school lunch application.

A letter of apology was written to Mrs. Donato Perez, 226 Barozzi Ave., Modesto, the mother of six children who had applied for free lunches because her husband is in the hospital.

The actions in the Perez case came at the end of a second day of sit-ins at the Modesto City Schools Administration Building, about 40 demonstrators leaving the building peaceably after the 5 p.m. closing in order to avoid arrest.

On Tuesday, Modesto police issued misdemeanor citations to 31 demonstrators after they had refused to leave the building when it was closed. Many of the ticketed protesters returned yesterday.

The sit-ins resumed this afternoon.

The Perez case has been mentioned by the demonstrators as one of the reasons for starting the sit-ins Tuesday.

Corona said a thorough investigation of the Perez incident "suggests Mrs. Perez was not offered the respect and courtesies that we desire for our parents."

GOES ON RECORD

The reprimand was filed in Principal Oleson's employment record in the schools office.

In an interview today, Oleson denied he twisted Mrs. Perez's arm. She was not harmed physically, he said. "I did ask her to return the application," he said.

Yesterday, Mrs. Perez said in an interview she had gone to the school Monday to apply for free lunches for her children because her husband, a cannery worker, was in the hospital. She said the extra money to buy gas to visit him had cut into her budget.

Mrs. Perez said her children had received free lunches for three weeks in December. When she applied Monday, she said, she offered to pay for the lunches later but became distressed when Oleson asked a number of questions.

"I said let's just forget about the lunches," Mrs. Perez said.

As she was leaving the building, Oleson followed to demand the application as school property. She said he grabbed her arm and twisted it to obtain the paper. Mrs. Perez said she went to the doctor for treatment.

Oleson, who was reluctant to discuss the incident, said the allegations are false. He said he had suggested Mrs. Perez sell one of two cars on which the family was making payments. "On this part I was wrong," Oleson admitted.

In the meantime, the group protesting in the school administration building said it had stopped legal efforts against the school board, hoping for a settlement of the school lunch issue.

The Citizens to Save the School Lunch Program spokesman, Mike Angelo, said the lawyers in California Rural Legal Assistance will be told to halt court proceedings.

Also, the protesting group has sent a second letter to Corona asking for a meeting on the school lunch issue.

In another letter to School Board President Harriette Kirschen, the chairman, Donald C. Wilson, said, "Surely you are as distressed as we are at the anger and frustration that is increasing among your supporters and ours."

Wilson asked Mrs. Kirschen to "forget the personal conflicts that have kept us apart in the past and come together to negotiate for the benefit of the children of our school district."

The school board withdrew from the federal lunch support program when the federal court in Sacramento ordered the district to serve 2,800 needy children free lunches instead of the 450 the district had agreed to serve.

The court order would have imposed a uniform criteria rather than the present system whereby school principals and other school officials determine which students receive the free lunches after an interview with parents.

One of the demonstrators, David Talamante, who was arrested Tuesday, learned yesterday the only charge against him is the misdemeanor of refusing to leave a public building after it was closed, the same as the other 30 people. Talamante, and the others, had understood he was charged with resisting arrest because he insisted on responding to the arresting officers in Spanish.

It was Talamante who made the case of Mrs. Perez public. She had gone to the small grocery store operated by the Stanislaus County Cooperative Association after the school incident and told him her story. Talamante, the manager of the grocery, has been active in the school lunch dispute.

[From the Modesto (Calif.) Bee, Apr. 9, 1970]

[Letter to the Editor]

USE OF TAX DOLLARS

Editor of The Bee—Sir: I am unwilling to have my tax dollars used to hire California Rural Legal Assistance attorneys who in turn fight Dr. Bert Corona and the Modesto Board of Education in an effort to include a welfare program in our educational program.

Further, I believe it is tragic that small children are used as pickets at the Modesto City Schools office. What kind of citizens will they become?

VERY CONCERNED TAXPAYER.

Modesto.

[From the Modesto (Calif.) Bee, Apr. 10, 1970]

SIT-IN ENTERS FOURTH DAY

(By Fred Youmans)

Sit-in demonstrators returned to the Modesto City Schools Administration Building today for the fourth day in a row.

The group, which is seeking return to the federal free lunch program, numbered about 30 yesterday but its ranks are expected to swell late this afternoon.

The demonstrators again disbanded quietly at 5 p.m. yesterday, after School District Supt. Bert C. Corona again read a statement declaring the building closed and saying anyone who remained would be subject to arrest.

VOLUNTARY DEPARTURE

Thirty-one demonstrators were arrested for trespassing the first day of the sit-in, Tuesday, but members of the group voluntarily left the building the following two days after Dr. Corona read his statement.

One arrest, of an out-of-town resident, was made about 3 p.m. Tom Johnson, 28, who told the police he is a graduate student from Fresno, was cited for two counts of malicious mischief.

Officers said Johnson, who had joined the sit-in demonstrators, became belligerent and ran upstairs to the second floor of the school administration building, using profanity in the presence of secretaries.

Johnson, the police report said, then ran outdoors where he jumped onto the hood of a police car, jumped off, ran, tossed a beer can at pursuing officers and dented, with his fist, the hood and trunk of two parked cars.

He was caught and handcuffed in a nearby field.

Demonstrators said Johnson had been provoked by a comment by a visitor to the school building, who reportedly said the sit-in scene resembled a slum.

Among those sitting-in yesterday were Don Wilson, chairman of the Citizens to Save the School Lunch Program; California Rural Legal Assistance attorneys Philip Neumark and Daniel Lowenstein; David Talamante, manager of the Stanislaus County Co-Operative Association; and the Rev. Jack Takayanagi, First Congregational Church minister and a county Community Action Commission executive board member. There were also mothers, children, and college students.

Police officers, directed by Chief Jerry Ammermann, stood by while Corona read his statement. A meeting of a citizens committee planning for the June 2 override tax election was allowed to use the building past 5 p.m. When Neumark and Lowenstein attempted entrance to that meeting, police officers blocked their way. Corona said the committee meeting was "a closed, invitational meeting" and was not open to the public.

Mike Angelo, a spokesman for the demonstrators, did not specify what actions the group would take when the school building is closed for the weekend this afternoon. Corona will not be present. He plans to leave early this afternoon for San Francisco, for the annual convention of the National School Boards Conference. Four of the five school board members are at the meeting.

Angelo, meanwhile, said leaders of the free lunch demonstrators "are moving in the community in an effort to contact all responsible citizens.

"These people may not necessarily be in sympathy with our cause," Angelo added, "but they are concerned over the polarization in the community."

[From the Modesto (Calif.) Bee, Apr. 10, 1970]

[Letter to the Editor]

SEES CONTRADICTION

Editor of The Bee—Sir: Can we believe Dr. Bert Corona's remarks in The Bee March 24? Yes, we can believe they were made. However, how could he have made them in the light of his own admitted "politics" (i.e., that he is fighting for a "principle"). Corona's comments, reported by The Bee as having been made at the monthly breakfast of the Stanislaus County Community Council, clearly are a contradiction. Which is "political"—turning down $19,000 for a principle on behalf of the "good taxpayers of Modesto" or feeding hungry children? The former is clearly "political," while the latter is response to human need.

The truth is both positions are political. I would be the first to admit that. The question is not one of being political or nonpolitical as much as it is one of good human politics and bad nonhuman politics. Corona has given over the issue to bad human politics—a politic which aligns itself with hidden attitudes of noncommitted people who have not the courage to defend anything but their own affluence. Yes, he has aligned himself with a politic which must have hungry children to justify its principle.

Along with the nondefensible principle (i.e., could not hold water in the Senate hearing of McGovern under the simplest of questioning) of Corona, he has suddenly become a mystic who knows the interests of Sen. McGovern. Corona must think everyone has unjust motivations (in McGovern's case—running for president). Is that because he himself has unjust motivations?

Modesto. BARRY BALL.

[From the Washington (D.C.) Post, Apr. 28, 1970]

SCHOOL LUNCH REFORM PASSES

CONFEREES BROADEN SCHOOL LUNCH ACT

(By Spencer Rich)

Legislation guaranteeing a free or reduced-rate school lunch to every poverty-level school child in the nation was approved yesterday by a House-Senate conference committee.

Led by Sen. George S. McGovern (D-S.D.,) and Rep. Roman C. Pucinski (D.-Ill.), an anti-hunger bloc in the conference committee insisted on retention of Senate language requiring that the free lunches "shall" be served to low-income children in schools throughout the nation by next Jan. 1.

An aide to one of the conferees said Rep. Albert Quie (R-Minn.), on behalf of the administration, had tried to soften the requirement by changing it so that poverty-level children were merely "eligible" for such lunches.

Aides to McGovern said yesterday that for the purposes of eligibility, the poverty line at present included urban children whose family incomes were less than $3,800 a year for a family of four, or rural children with family incomes less than $3,200 a year for the same size family.

The original Senate version, adopted by a 41-to-40 vote on an amendment by Jacob K. Javits (R.-N.Y.), would have used a $4,000 figure for urban families. Under the compromise reached yesterday, the Secretary of Agriculture will determine the poverty income line each July for purposes of eligibility.

McGovern aides said they believed about 8 million children in schools would be made eligible for free or reduced-rate lunches by the bill, compared with about 4 to 4.5 million now receiving them. The bill provides that no more than 20 cents may be charged for the reduced-rate lunches, changes funds distribution formulas to channel more of the money for the program to urban core cities, and provides a no-limit authorization for appropriations for the program.

John Kramer, director of the National Council on Hunger and Malnutrition in the United States, called the bill a step forward but said he believed only 6 to 6.5 million children would be eligible under the poverty-level definition. He said the Federal Government and the states together were now putting up about $530 million for the program and this would have to be raised by up to $200 million to take care of new eligibles. The bill provides that the federal government may pay up to 100 per cent of the added costs of enlarging the program.

Earlier yesterday, Dr. Arnold E. Schaefer, director of the Department of Health, Education and Welfare's National Nutrition Survey, told the Senate Select Committee on Nutrition and Human Needs that the very poor—those with incomes under $1,650 a year for a family of four—suffer five times as much serious malnutrition as families with $6,600-a-year incomes and over.

Schaefer's figures were based on his completed reports for the National Nutrition Survey in Texas and Louisiana—the first two states finished. A total of 13,373 individuals in the states were studied.

Referring to low participation in food stamps, school lunches and other public feeding programs by the poor—often because of difficult eligibility requirements—Schaefer told reporters later: "It's obvious our feeding programs have been damned ineffective."

McGovern said he believed HEW had been "deliberately slowing down" Schaefer's survey in an effort to downplay the hunger issue.

Food to Nurture the Mind

Bruno
Bettelheim

The Children's Foundation is an international charitable organization concentrating on projects designed to cause change, particularly in the lives of underprivileged youths.

Related Children's Foundation pamphlet:
Why Child Nutrition Programs Fail
by Rodney E. Leonard
$1.00

The Children's Foundation
1026 Seventeenth Street, N.W.
Washington, D.C. 20036

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Foreword

After 24 years, this nation's school lunch program reaches 20 million children; however, it feeds only 3 million of the 8 million most in need.

In December 1969, The Children's Foundation brought 60 lawyers to Chicago to examine legal remedies that might be used to resolve this absurdity. The determination of these attorneys to get action, the pressures being applied by other individuals and groups, the findings of the White House Conference on Hunger, and the Nixon Administration's promise that every child in need of free or reduced price lunches will receive same by Thanksgiving Day of 1970, all combine to indicate that at last food may be put before the hungry children at least once a day. We hope this comes true. History makes us mistrustful.

Dr. Bruno Bettelheim, a distinguished child psychologist whose biography appears at the end of this pamphlet, was asked to speak to the Chicago conferees about what happens in those instances when food actually is delivered to the child. He discussed the ways in which the food and the manner of its delivery may influence present and future behavior. His talk is presented here in full.

Dr. Bettelheim tells us how to feed the food that's out there somewhere. We must make sure it gets into the schools.

CHARLES U. DALY
President
The Children's Foundation

I'm not much of an after-dinner speaker; but tonight I'm delighted that this is my role, because it permits me to begin with what I consider one of the most important points to make when considering the school food programs. We had a nice meal together; we have not only been well fed, but I for one have been over fed. But it was not the food that made our meal. It was the pleasant surroundings, and, I hope, that we all enjoyed each other's company. It was this more than the food that put us in a relaxed mood, pleasantly receptive to what we may now concentrate on. It even reduced my anxiety about how you might receive what I have to say. Wouldn't it be nice if all children could begin their learning in school in this frame of mind, return in such pleasantly relaxed anticipation to class after lunch? If so, they would be so much more receptive to what their teachers want them to learn. If, as we are told, an army marches on the stomach, how much more is this true for an army of children, to whom a full stomach alone gives the courage to do battle with and to conquer the challenges of learning. This, the psychological impact of eating, of how we eat, and of how we eat together, as different from what we eat, this is what I feel receives far too little attention.

I am neither an expert on nutrition, nor on school food programs. Nor do I think it necessary to stress once more in this company the tragedy that, in our affluent society, still a sizeable segment of our children go hungry. You all are convinced of the necessity of these food programs for reason of nutrition. Therefore I shall not waste your time by repeating what you all know only too well. I believe that our problem is much bigger than just providing good, healthy food. Just because we are fortunate enough to take for granted that one enjoys one's meals, we tend to overlook that an unenjoyable meal might be totally unacceptable, maybe actually detrimental because of the negative emotions it arouses, even if it contains the right amount of calories.

In my work with severely disturbed children, I encounter daily some to whom, theoretically, an abundance of the best food was offered, but who starved themselves because it was offered under conditions which were utterly detrimental to their self-respect. They had to reject food that, for psychological reasons, had become unacceptable, had become degrading to them. So much so that even forced feedings could not keep them alive. The only way we could restore them to both physical and psychological health was to create conditions which made eating as acceptable, as enjoyable to them, as I hope this meal was to you.

I trust that you are familiar with some of the publications of The Children's Foundation, such as *Why Child Nutrition Programs Fail*. You know the appalling story they tell, namely how the programs fail. From my limited experience I am convinced everything they report is true. But they tell only part of the entire story. Not concerned with psychology, they do not stress the psychological deprivation that comes from unpsychologically administered nutritional programs. And they fail to detail some of the psychological factors which explain why these programs meet with resistance, and why they are so inadequately administered by the school systems.

The answer is to be found, I believe, in the fact that those who institute and administer the programs, well motivated as they are, do not create an emotional, a psychological climate that would assure their success. Just because it seems so obvious that all children need good nutrition, we tend to overlook that such sound realization does not necessarily motivate a person to spend daily a vast amount of energy on it. That somebody is hired as a cook and accepts the job because he or she needs the money, does not turn this person into somebody who likes to prepare and serve meals to others, least of all to rambunctious children.

Let me illustrate by a situation that exists in a school just a few blocks from here which serves mainly deprived black children. The school is about a decade old, so it is quite new, as school buildings go. But its kitchen is not much larger than the rather spacious one in my home. In this kitchen meals have to be prepared for hundreds of children, so the stove, the refrigerators, the dishwashing machine, everything has to be much larger than in my home, which leaves hardly any space for the cook and her two helpers to prepare meals for some 400 children. As highly as she may have been motivated originally by the wish to prepare good, attractive, and nutritional meals, struggling daily with impossible working conditions aggravates her, makes her annoyed, short tempered. The result is that while the meals are nutritional, they are unappetizing. Only rarely do the children get a fare they really enjoy; most of the time they are served things like sloppy joes or gooey beef which typically children of this age do not particularly like, though they contain all the desirable nutritional elements. Worse, they are served to the children by a cook who by then is at the end of her rope, annoyed, often outright angry. So she practically throws the food at the children. She does not talk with them, but screams at them for the slightest reason, or no reason at all. She screams if they are slow, if they drop a spoon or fork. If a child comes to the place where he should pay but doesn't have the money ready because, for example, an older brother or sister has it, they are bawled out: "Why isn't he here? Why don't you stay in line with him?" And back he has to go. For everything they do or don't do they are angrily scolded. If they ask even a reasonable question, the cook screams: "Don't ask me such questions!" Her behavior is the consequence of her needing an outlet after the hours of aggravation that she and her helpers had to live through because of impossible working conditions. Just in case you have any doubts: The cook and her helpers are all blacks, too.

Though this is a new school building, it is not only the kitchen which is unsuitable in respect to feeding the children. The school has no lunchroom. The place where the children eat has to serve triple duty, since it is the gymnasium which is also used for the assembly. Thus, there is only a very limited time available for eating there. Tables and chairs have to be set up and removed in a hurry, a hurry that characterizes and defeats the entire lunch program as far as the emotional well-being of the children is concerned. When the 12 o'clock bell rings, some 400 children who want lunch have to wait in one long line along the walls of this room. It means that those who are last have to wait a half hour or more until they can squeeze through the all too narrow space in front of the counter to get their meal. The result is that they jostle each other for a place in the line; the longer they have to wait, the more unruly they become. They push and fight to get ahead of each other, the natural consequence when children are frustrated by being kept in line for much too long a time.

Not that things are more pleasant once they've gotten their food. As the children eat, there is an awful noise; for example, older children push around the room big noisy metal containers, in which they drop the vast amounts of food which remain uneaten on the plates, which adds to the confusion. Their job, to scrape other people's plates, is not pleasant and they don't care; so the containers become immediately filthy, increasing the generally unpleasant atmosphere. Is it then not understandable that after such waiting for the meal, having to eat it under such unpleasant circumstances, this nutritionally valuable fare remains largely uneaten?

With all that is going on in this noisy and disorderly lunchroom, with all the standing in line, fighting for long periods before the meal, and squabbles while eating it, several teachers have to police the lunchroom and the line up along the wall. This means that because of the lunch program they have to give up their own free lunch period. Now it is one thing to be convinced of the importance of good nutrition for children who are not receiving sufficient food at home, and it's another to have to give up, day after day, the lunch hour, that is supposed to be yours to rest and eat relaxedly, while socializing with your own colleagues. Teaching in general, and in particular in these schools, is not such a simple or pleasant task that, come 12 o'clock, the teachers do not feel they are now entitled to an hour's rest and peace.

I could go on at length, but all I wanted to suggest is that we have to understand that the school food programs, as desirable as they are, were imposed on schools which were both physically and psychologically ill-prepared to take on this additional task. All too many new tasks have been assigned by law, or by community expectations to the schools, with very scant regard to whether it is possible to put more and more burdens on the teacher's back and still make it possible for her to function adequately. It is one thing to realize that something is socially desirable or necessary, as good nutrition is for children. It is another to expect people to do more and more, and this without their having been given an understanding of the meaning of these programs, beyond that which is always stressed: That the children need to be fed. For example, to my knowledge, nowhere has it been explained to teachers why and how the food program could help them in their teaching, as I shall elaborate later on. How it is not good nutrition *per se*, but being fed pleasantly in class by the teacher—as opposed to food being thrown at him in the lunchroom—that helps a child to learn in class, particularly from the teacher who feeds him. If we would have made concentrated efforts to explain all this and much more to teachers, maybe they would be more cooperative, more willing to spend their own free time on feeding the children, even make doing so a central point in their relation to them, rather than viewing it as another unfortunately necessary but onerous task.

Let me illustrate by means of an example that goes quite a few years back, and where no blacks but only poor white children were involved, and where the issue was not food, but this other essential human need—rest. But the principles involved are the same. During the war years when the Kaiser Company was building the liberty ships, they employed large numbers of poor whites who had migrated to the shipyards near Seattle. An entire city of trailers fed its many children into a special school system where school failures, truancy, etc. were the rule of the day. That is, until a new superintendent was appointed to deal with this problem. After a short study he decided that the main cause of the problem was that the children did not get enough sleep in the crowded trailers, where at all times of the day and night some adult was coming back from one shift and another getting ready for the next. So he arranged for some large tables to be set up in the rear of each classroom, and some blankets to be provided. Then he encouraged the children to lie down there for naps whenever they felt like it. A fine idea; but at first it did not work because the teachers resisted, fearing that the example of the sleeping children would demoralize those who still paid attention, would interfere with the learning of those who lost out on listening to the teacher by sleeping, etc. It took the superintendent many weeks of hard work to persuade the teachers not to resist or only give lip service to his program, but to comprehend its merit. After that, at any time of the school day several children slept in each class. With that, others who never had attended began to come to school, just because they found there more restful sleep than in their trailer homes. After he had won the positive cooperation of the teachers, absenteeism dropped from the old rate of nearly fifty percent to less than ten. More important, the morale among children and with it among teachers improved greatly. And while before the children were, on the average, academically two to three years behind their chronological age, after a year of this new arrangement there was not any more academic retardation to be found among this group of deprived children than in the well-established middle class neighboring Seattle school system. Thus, letting children sleep in class was not only good for their physical health, but was an outstanding academic success. Severely deprived children did, because of this program, as well as non-deprived children. But it worked so well not because the opportunity to sleep had been added to the class routine. It worked because the teachers had become convinced of the merit of the new system in helping them to teach and keep up discipline. Of this, they had become convinced because very special efforts had been made to win them over to it, which were necessary though *a priori* they had been convinced that children need sound sleep, as our present teachers are convinced that children need good nutrition.

Permit me to use another example from outside the area that concerns us today to make the point how, though teachers do not doubt the importance of a new function that is added to their load, without the right psychological help cannot help botching up the job, despite best intentions. Recently, sex education was added to the program of many schools. There is little question that it is desirable that children should receive sound sex education. But, while teaching materials and courses of study were made available to the schools, no efforts were made to help teachers with this psychologically extremely difficult task. Nothing was done to remove their anxieties or prejudices about sex, correct outright misinformation which they believed to be gospel truth; nothing was done to help them understand how sex means something entirely different to the child than to the adult, and that therefore it will never do to approach them with the adult attitudes to sex, based on the meaning sex has to adults. This, incidentally, is also what is wrong with the food programs. They approach nutritional problems from an entirely adult point of view, disregarding what food means psychologically to the child, and particularly to the deprived one.

The result in regard to sex education is that many children now receive information that is not only very short in enlightenment, but is actually utterly confusing to most, and outright damaging to some. The reason is that there has been simply no adequate preparation that would have helped teachers to understand children's sex anxieties, concerns, misconceptions. Simply to feed what seems to the adult correct sex information into a body of vast distortions and anxieties doesn't clear the air away of the confusion, but only adds to it. One of the oldest agencies concerned for decades with sex education recently asked my advice because in the entire United States they were unable to find one single person who could prepare teachers well to give sex information. All the material on it that is available, correct as it is, neither helps teachers with their own difficulties with the subject, nor understands how vastly different the child sees sex where compared with the adult. You might dismiss this example by saying that sex is, after all, a touchy subject for most people, while nutrition is not.

So let me use another example from my experience with what, in and by itself, is a fairly good course of study on nutrition that was made compulsory part of the curriculum in all Chicago Public Schools. Teachers were told to teach it without any special effort being made to help them understand what is emotionally involved in such a course, because it was assumed that they all knew the importance of good nutrition, as they indeed did. I happened to work at that time with a group whose assignment included teaching this course. A teacher, fully convinced of the importance of good nutritional habits, reported how she had taught the children what a well-balanced breakfast should consist of, and why; and that all her children had understood it. She had stressed, among other things, the importance of drinking in the morning some juice, such as orange juice. She asked the class who had had orange juice for breakfast; and to her surprise, in this underprivileged group, nearly all children had raised their hands. She did not question them any further, because she did not want to make them self-conscious about it, which speaks well of her sensitivity to her children's feelings. I encouraged her to go back to her class and instead of just stressing the desirability of having orange juice for breakfast, discuss with the children the economic difficulties which make it so very hard for many of their parents to provide them with the kind of nutrition that the parents would like to offer them, if they only could afford it. Thus to what she had been teaching originally, good nutrition, she now added discussions of the difficulties which parents encounter in providing it for their children. I further suggested that after such elaboration of the economic and psychological issues, she might then ask children, individually and privately, when they last had a glass of orange juice for breakfast. One youngster, for example, explained that he had raised his hand, because indeed last Easter, he had had—once—orange juice for breakfast.

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A few years ago I spoke to a group of school administrators about how eating while learning helps to reduce children's anxieties, and permits often even non-learners of long standing to overcome their fears so they suddenly become able to achieve. How intimately connected are particularly learning to read—that is, feeding knowledge to the child—with feeding him food, I illustrated by this story: A non-reader finally learned to read after he had been hand fed by his teacher for weeks when he asked her, "Feed me," when he meant "Read to me." Without recognizing it, he knew that we have not only to teach but to feed the whole child, feed food to his body as we feed knowledge to his mind.

After that meeting, an elderly gentleman told me excitedly that I had helped him to finally understand an experience he had had as a very young man, while teaching in a little red schoolhouse in his native Montana. A blizzard had isolated him and the children for two days. In class he had a ten year old boy totally unable to read despite his best efforts to teach him. But this time he not only tried to teach him to read, but he also had to feed him for two days. While he was feeding the boy some sandwiches he had prepared for him in front of his eyes the boy who was looking at the pictures in a book suddenly began also to read it. The educator told me how all his life he had been baffled by this experience, which now finally made good sense.

This man had risen to become an outstanding educator. If it took him a long lecture, at the end of his rich educational experience, to understand the connection between a teacher feeding her children, and their learning from her, how can we expect average teachers to understand all this without instruction? But this is what we do, when we simply add food programs to their many other chores without any regard to their feelings about the added burden, not to speak of other unconscious feelings which may block their giving meaning to the food program they administer.

Now you might say: "Never mind the psychological implications, what is most important for children is not to go hungry, to receive good food."

I cannot agree because I know children have unconsciously a deep understanding of what food means to them, a better understanding than some of their teachers, and maybe even a better understanding than the well-meaning legislators who pass the empowering legislation. They feel, though they cannot or will not tell, that food given unwillingly, given without love, is not good nutrition, but an insult. Even when forced by hunger to eat it, they end by hating themselves for accepting what is offered under psychologically unacceptable conditions, and by hating the school that tempts them to do something that runs counter to their self-respect.

* * *

Eating and being fed are intimately connected with our deepest feelings. They are the most basic interactions between human beings, on which rest all later evaluations of ourself, of the world, and of our relationship to it. Therefore anything that rubs it in that we are not given food in the right way, with the right emotions, questions on the deepest level our views of ourselves and of those who give it to us. That is why food given by the school without due regard to the child's self-respect poisons his relation to school and learning.

Let me explain the psychological reasons for this. Breast feeding remains the best paradigm of how only the concerned interactions of two partners around food can lead the infant to develop a sense of trust in other persons, and the world. For it is neither mother love, nor food itself, nor the skin contact between mother and child that accounts for the essence of the nursing experience. Certainly this essence does not lie in its being an "oral" experience related to a particular part of the body, the mouth. While mother love is very important, it becomes significant as it conditions what goes on around feeding and being fed. What conditions the later ability to relate—which, after all, comes from within us—is our inner experience during these eating interactions with the world.

When the infant is nursed by an unwilling mother, when he is fed without positive feelings, he becomes flooded with impotent rage, a helpless victim of inner tensions. According to Erikson this experience is "the ontogenetic source of the sense of being bad, of a 'basic mistrust' which combines a sense of mistrustfulness, and of untrustworthiness." He reminds us that the psychiatric literature is full with references to the "oral character," which is a characterological deviation based on unsolved conflicts around eating. Wherever oral pessimism becomes dominant, infantile fears, such as that of "being left empty," or simply of "being left," and also of being "starved" can be discerned in the depressive forms of "being empty" and of "being no good." Such fears, in turn, can give behavior that particular avaricious quality which in psychoanalysis is called "oral sadism," that is, a cruel need to get and to take in ways harmful to others. But there is an optimistic oral character, too, one which from the way he has been given and he has received food, has learned to make giving and receiving the most important thing in life.

Time does not permit me to elaborate further on what is so important for what concerns us here: That how one is being fed, and how one eats, has a larger impact on the personality than any other human experience. To convey this message to teachers and all others concerned with school food programs should not be too difficult. But to my knowledge, doing so is neglected in favor of stressing physical hunger, as if our greatest hunger were not for being accepted, for feeling important, worthwhile. If teachers would understand this, the psychological meaning, feeding children has, we would not encounter situations where teachers threaten little children with not giving them their meal ticket if they do not behave, or do not finish assigned work on time. Now from my experience, and in defense of teachers, I must say that not once did I witness such a threat being carried out. In the end all were given their meal tickets. But the teachers were not aware of the terrifying psychological threat which was implied in their remarks. Had they been, they could never have made them.

Let me repeat: Eating experiences condition our entire attitude to the world, and again not so much because of how nutritious is the food we are given, but with what feelings and attitudes it is given. Around eating, for example, attitudes are learned, or not learned, which are the preconditions for all academic achievement, such as the ability to control oneself, to wait, to work now for future rewards. Only after many experiences that he will be pleasantly and well fed does the infant stop to scream for his next feeding because he has learned to wait patiently for it, certain that it will come in good time. With that he has begun to acquire those inner controls required for all later learning.

For example, the injunction not to grab and eat a cookie right now is a typical experience around which inner controls are further developed and made secure. But such learning will only be effective if the child gets a great deal of praise and affection for the postponement, if his hunger has always been pleasantly and fully sated in the past, and because he fears that any uncontrolled grabbing will lose him the source of all this reliable satisfaction. No praise will work with the hunger unstilled, no demand be effective without the conviction that to postpone is the way to greater gains (satiation and praise) and certainly not to any loss. Therefore no postponement is possible if my whole experience tells me that "what I don't grab now I'll never get."

That is why the underprivileged child needs to grab, cannot wait for food and should not be expected to line up for it for any length of time. Too much of his life has consisted of the experience that if he doesn't grab it now, he won't get it later on. Another reason why an education that takes so many years to achieve results (jobs, money) is unable to reach children who do not believe that future rewards can result from energy spent now because they have not learned that food will always be there for them and they hence don't need to grab it now.

In my efforts to teach teachers this seemingly simple principle I was nearly always up against their puritanic ethic, according to which waste is sinful, that is, will be punished by scarcity in the future. This belief has served them well, has enabled them to make it through college and become teachers. It is their own past experience that makes them believe in it so strongly. What they have long ago forgotten is that their present ways are the consequence of how early and consistently in their life they always were fed, and on time. That is why they now can wait in line, need not to grab, need not to waste.

But these children whom the teacher is now teaching are uncontrolled. They grab (and may one day graduate to looting) when she distributes food, or paper, or pencils, though they then often don't use it, even throw it away. In the teacher's eyes they waste all these supplies, which she feels is wrong. All the good food going to waste is the complaint of some of the cooks, annoyed the more because they have not enough to feed their own families.

The teachers' and the cooks' morality requires an economical use of food, but this clashes head on with the children's own experience that delay means no satisfaction at all, to the point where they cannot help but waste. Because what the teachers and cook fail to realize is that these children, by wasting food and asking for more all the time, are trying to find out what is of vital importance to them, to their view of life, and the world: Whether or not the food supplies are adequate, if there will be more, even if they don't grab it now. Not to speak of how exciting it is to have for once one's fill, even an over-abundance one can waste.

It is only on the basis of such pleasurable satiety, with many repetitions of the experience that despite waste enough is left, (and with later reflection about it) that we can feel that this is a good world, worthwhile to come to terms with its demands.

Sufficient satiation is a prerequisite for all learning because, if the deprivation is too great, learning becomes too difficult a task. What then is needed is not so much a head start in academic learning, not even a cultural enrichment program (though all this certainly is desirable and helpful), because not even culture can be appreciated on an empty stomach. Instead the application of a few old saws is required, such as the one I mentioned initially of an army marching on its stomach or that "It is easier to fill the stomach than the eye," which also includes the mind's eye; because "When the stomach speaks, wisdom is silent," and finally that "The way to a man's heart [and much more so to that of a child's] is through his stomach."

Therefore in order to make going to school attractive, and learning feasible, I would suggest that we first concentrate on feeding all children there. And by this I do not mean something akin to existing food programs which provide food as food, and not as an essential part of the educational enterprise. Instead I suggest centering the school experience around satiation of the children's need, building the school day around meals, beginning with breakfast in the morning, a snack at midmorning, lunch at noon, and another snack at the end of the school day. Money spent on such a program would pay off much better than that spent on practically any other expense, be it textbooks, teaching machines, etc. I would give it priority even over school buildings. But this program would have to be entirely different from the mass feedings that is characteristic of most of our food programs. The meals I have in mind are not just a filling of the stomach, but an enrichment of the total personality around a common meal—which requires that only a small group should eat together, and eat with those who are supposed to educate not only their minds, but nurture their total personalities.

If, for example, teachers eat a different fare, and in a separate room, then from the beginning of the educational enterprise a class system is created, and all children, not only the deprived ones, are made to feel a group apart from the established order, as represented by the teacher. Food is the greatest socializer, that is why all great social events, such as our meeting tonight, require a shared meal which is often made the central feature of the occasion. If we would do the same in our classes, they would attain a very different meaning, particularly for the deprived child whose very deprivation is a social one, one of feeling excluded from the great and meaningful social occasions.

School is the first great encounter of the child with society. It represents to him society, and what it stands for. While the middle class child can at least accept to some degree that the teacher's teaching is a giving of knowledge to him, for the deprived child all the teacher does seems to be making demands on him. Thus it is even more important that we convince such children from the moment they come into contact with society, that society both gives and demands, and gives first, before it demands. And there is no more obvious giving to the child than the giving of food. But a giving from which one excludes oneself, a meal that is given but not shared, is in many ways a condescending giving and hence degrading.

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Here an experience might be mentioned that I have had repeatedly: The social climate of a mental institution changes immediately if the entire staff, up to the top of the hierarchy, takes their meals with the patients. While such practice obviously presupposes a change in attitude of the staff, which should not be overlooked in the effectiveness of such eating together, the fact that patient, staff, and doctors eat together, and eat the same fare, immediately reduced the levels of tension, the potentiality for violent outbreaks, and this is not just at mealtime but all during the day, and throughout the institution. Now, the teacher's taking her meals with the children also presupposes a change in her inner attitude; but this change, I believe, is the precondition for helping children learn to feel satiated, and with it to learning in general.

Of course, for some time they will waste food and some few may gorge themselves for a while so much that they throw up. But this in itself, when handled correctly, will be a most important lesson in how beneficial it is to learn controls, and not only for the rare child who stuffed himself so fast and furiously that his stomach revolted, but even more for all other children who watch it and whose natural disgust will teach them control more than any verbal teaching could. For them to learn this lesson the teacher must not be disgusted, but use the event to help the sick child to feel better, and all of them to understand that, while gorging oneself is understandable when one is deprived, controlling one's desires is to one's advantage.

I think the school day in our inner city schools should begin not with the Pledge of Allegiance, but with a hearty breakfast, eaten in class, with the teacher. Eating together is what makes for allegiance between people, and eventually to one's country. Nothing is more divisive than when people eat a different fare, in different rooms, the one of inferior, the other of superior quality. But this is exactly what is typical in our schools at lunch, and it is in the school cafeteria where most discipline problems are born and where riots break out.

The degree to which very deprived children will experience food as a symbol of all pleasures, instead of just nourishment proper, is typified by the statements a perennial truant made during our early efforts to keep him in school. "You know," he said, "I'm one of those people who has to eat. Sometimes when I've just eaten a lot, I run out of the room and I get hungry again and I want some more food. And then, a little later, I'll need more, even before it's time to eat again. I just like to eat and eat; I just have to have food around."

So closely and intricately interwoven into a single strand within the individual are both our physical nature, which requires food, and that nurture which we call intellectual development, that it will not do to keep them separate. The distinction between physical and emotional need, between body and intellect is, in reality, a false one. Although schools are concerned with the children's intellectual development, the two are not separable, certainly not in the actual life of the individual. Piaget, the foremost student of the child's intellectual development makes this point as explicitly as Freud, the foremost student of emotional development would have made it: "There is never a purely intellectual action; numerous emotions, interests, values intervene—for example, in the solving of a mathematical problem. Likewise, there is never a purely affective act, even love presupposes comprehension." Thus, Piaget is convinced that "there is a close parallel between the development of affectivity, and the intellectual functions." So we can understand why many a child who cannot count, just by looking at how many cookies are on the table will know whether there are enough to go around. And I have taught more children to count by counting pieces of candy than in any other way. It is the oldest mathematics, and still the most effective.

Food, for children, is the main source of security. If we want them to engage in what are scary experiences to them, such as learning to read, we have to supply them well with gum, candy, cookies. We have to do that for them when we want them to begin the dangerous exploration of letters and words, as we would have to fill their knapsacks full of good food if they were going to explore the wilderness.

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Born in Vienna, Austria, he received his Ph.D. in psychology and philosophy from the University of Vienna. He came to the United States in 1939. His books include *The Empty Fortress, Love Is Not Enough* and *Truants From Life*, which describe the work of the Orthogenic School in rehabilitating severely disturbed youngsters. *Children of the Dream* discusses communal childrearing in the Israeli kibbutzim and its implications for American education. *Dialogues with Mothers* is based on Dr. Bettelheim's years of helping parents of normal children with problems of childrearing. Other works include *Symbolic Wounds* and *The Informed Heart*.

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91st Congress } HOUSE OF REPRESENTATIVES { Report
2d Session } { No. 91-1032

CHILDREN'S FOOD SERVICE PROGRAMS

April 29, 1970.—Ordered to be printed

Mr. Perkins, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 515]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

Section 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

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(*b*) *The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12*(d)(*5*) *of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".*

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed $38,000,000, for the fiscal year ending June 30, 1972, not to exceed $33,000,000, for the fiscal year ending June 30, 1973, not to exceed $15,000,000, and for each succeeding fiscal year, not to exceed $10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as approtionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

Sec. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

Sec. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

Sec. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SEC. 11. (a) *There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.*

"(b) *Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.*

"(c) *The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than $4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.*

"(d) *Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.*

"(e) *Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.*

"(f) *If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection* (b) *or* (c) *of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the* *funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.*

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

"(h)(1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State, and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

Sec. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"*Sec. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.*

"*(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.*

"*(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.*

"*(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.*

"*(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.*

"*(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.*

"*(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.*

"*(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council.*"

Sec. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out "$12,000,000" and inserting "$25,000,000".

And the Senate agree to the same.

Carl D. Perkins,
Roman Pucinski,
William D. Ford,
Wm. H. Ayres,
Albert H. Quie,
Managers on the Part of the House.

Allen J. Ellender,
Herman E. Talmadge,
George McGovern,
George D. Aiken,
Milton R. Young,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, submit the following statement in explanation of the effect of action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

Except for minor, clarifying, and conforming provisions, this statement explains the action of the managers on the part of the House.

FREE OR REDUCED-PRICE MEALS

The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multistandard as included in the original Senate-passed bill. It is expected that this will be the same as established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity.

While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at reduced cost—not to exceed 20 cents per meal—it is also the intent that free lunches be provided for the poorest of the poor and under no circumstances shall those unable to pay be charged for their lunches. The determination of income of an eligible household shall be made solely on the basis of an affidavit and such a family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise in a proceeding subject to the approval of the Secretary of Agriculture.

It should be clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria shall also be eligible for free or reduced-price school lunches.

APPORTIONMENT OF SPECIAL ASSISTANCE FUNDS

The Senate amendment provided for apportionment of special assistance funds—section 11—to the States on the basis of the number of schoolchildren from families with an income equivalent to $4,000 or less per year for a family of four. The conference amendment provides that the total number of children aged 3 to 17, inclusive, in households with incomes of less than $4,000 be the basis of apportionment among the States. These data are more readily available from official sources.

SCHOOL BREAKFASTS

The Senate amendment made a number of changes in the school breakfast program, including an extension and increase of appropriation authorizations (from $12 million for fiscal year 1971) to $25 million for fiscal year 1971, $50 million for fiscal year 1972, and $75 million for fiscal year 1973. In the conference substitute the authorization of appropriations for fiscal year 1971 is increased to $25 million. There are no further extensions or increases nor other amendments.

STATE PLANS AND REPORTING

The Senate amendment required each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, the first of which would be due by June 1, 1970, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972–73 school year. The substitute requires the submission of the State plan by January 1 of each year, and removes the target date for extending the program to all schools.

The Senate amendment required all schools and each State educational agency to file monthly reports listing the numbers of children eligible for free and reduced-price lunches. The substitute requires school officials to estimate the number of children eligible by March 1 and October 1 of each year.

CARL D. PERKINS,
ROMAN PUCINSKI,
WILLIAM D. FORD,
WM. H. AYRES,
ALBERT H. QUIE,
Managers on the Part of the House.

Public Law 91-248
91st Congress, H. R. 515
May 14, 1970

An Act

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Food service programs for children.
84 STAT. 207

84 STAT. 208

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

76 Stat. 944; 82 Stat. 117. 42 USC 1752. 80 Stat. 885. 42 USC 1771 note.

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

76 Stat. 945. 42 USC 1759, 1760.

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d)(5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

Appropriation. 80 Stat. 887. 42 USC 1774.

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed $38,000,000, for the fiscal year ending June 30, 1972, not to exceed $33,000,000, for the fiscal year ending June 30, 1973, not to exceed $15,000,000, and for each succeeding fiscal year, not to exceed $10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

Apportionment to States.

76 Stat. 944. 42 USC 1753.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES. NUTRITION EDUCATION, AND DIRECT EXPENDITURES

60 Stat. 231.
42 USC 1755.

76 Stat. 944;
Ante, p. 208.

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

76 Stat. 944;
60 Stat. 231.
42 USC 1753,
1754.
Post, pp. 211,210.
Post, pp. 214,210.
Ante, p. 208.

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

60 Stat. 230;
80 Stat. 885.
42 USC 1751,
1771.

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

60 Stat. 232.
42 USC 1756.

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

76 Stat. 944;
Post, p. 211.
42 USC 1753.
Post, p. 214.
Ante, p. 208.

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

80 Stat. 888.
42 USC 1776.

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

60 Stat. 233.
42 USC 1758.

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

82 Stat. 117.
42 USC 1761.

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

80 Stat. 887.
42 USC 1773.

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities

49 Stat. 774.
7 USC 612c.
68 Stat. 458.
7 USC 1431.
79 Stat. 1212.
7 USC 1446a-1.

in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

60 Stat. 233.
7 USC 1759.

SPECIAL ASSISTANCE

Appropriations.
76 Stat. 946.
7 USC 1759a.

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than $4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

Ante, p. 209.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

Ante, p. 210.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

Ante, p. 210.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

76 Stat. 944;
60 Stat. 231;
Ante, p. 209.
42 USC 1753,
1754.

"(h)(1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced-price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State, and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

80 Stat. 885.
42 USC 1771
note.

82 Stat. 117;
Post, p. 214.
42 USC 1761.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

Reports to
educational
agency.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

Reports to
Secretary.

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof

80 Stat. 889.
42 USC 1779.

76 Stat. 944; 82 Stat. 117. 42 USC 1752.

Transfer and reserve of funds.

the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

Membership.

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

Terms of office.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

Study.

42 USC 1751 note, 1771 note.

Report to President and Congress.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

Technical and other assistance.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

Travel and subsistence pay.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

82 Stat. 119.
42 USC 1773.

Sec. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out "$12,000,000" and inserting "$25,000,000".

Approved May 14, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-81 (Comm. on Education and Labor) and 91-1032 (Comm. of Conference).
SENATE REPORT No. 91-641 accompanying S. 2548 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD:
Vol. 115 (1969): Mar. 20, considered and passed House.
Vol. 116 (1970): Feb. 20, 23, 24, considered and passed Senate, amended.
Apr. 30, Senate agreed to conference report.
May 4, House agreed to conference report.

The Children's Foundation
1026 Seventeenth Street, N.W.
Washington, D.C. 20036

Bulletin

Free Lunches For All Needy Children

New School Lunch Law

On May 14 President Nixon signed a new bill into law which should provide, he said, "free or reduced price lunches for every needy child." It was a significant victory for Congressional forces led by Senator George McGovern.

Under the New Law:

- Every needy child must be served a free or reduced price school lunch;
- A needy child is a child from a poverty-level household.

What Schools Must Do:

- Follow a uniform national poverty income standard set by the Secretary of Agriculture;
- Ask only for a personal statement (non-legal affidavit) from parents or heads of households to prove family income;
- Charge no more than 20 cents for a reduced price meal.

Starting January 1, 1971, this new law applies to every school receiving federal funds for child nutrition programs. Since the law says every needy child must be fed, schools participating in feeding programs must report the number of children eligible at least twice a year.

What States Must Do:

The new act also requires each state to:

- Spend state money to support child food programs;
- Extend school lunch service to *every* school within the state;
- Write a statewide plan which shows in detail how the state will feed all school children under the new legislation.

Between now and January 1, 1971 every state and every school district receiving federal funds for child nutrition programs must follow the Department of Agriculture regulations for providing free and reduced price lunches. These regulations make it possible for every school to serve more needy children in the fall.

What You Can Do:

Translate laws into lunch!

- Learn more about the new law and new instructions and explain them to others;
- Form a school lunch committee to improve school feeding programs;
- Write for THE SCHOOL LUNCH BAG, a community action kit prepared by The Children's Foundation, which explains the legislation and regulations and suggests forms of local action.

We may be able to help you make legislation work to feed the hungry children in your community.

Fill in and return this form to the Foundation:

The Children's Foundation
Room 309
1026 Seventeenth Street N.W.
Washington, D.C. 20036

Your Name

(Organization)

Address

City State

I am interested in THE SCHOOL LUNCH BAG and other information to help the children of ________ (your community) receive the nutrition which is rightfully theirs under the law.

Tell us about the situation in your community:

(Use other side of this sheet.)

NUTRITION AND HUMAN NEEDS

MONDAY, APRIL 20, 1970

U.S. SENATE,
SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS,
Chicago, Ill.

The committee met, pursuant to notice, at 10 a.m. at Peoples Church of Chicago, 941 West Lawrence Avenue, Chicago, Ill., Hon. George McGovern, chairman of the committee, presiding.

Present: Senator Charles Percy.

Also present: Kenneth Schlossberg, staff director; Gerald S. J. Cassidy, special counsel; Clarence V. McKee, professional staff member for the minority; and Roberta Milman, legislative assistant to Senator Percy.

OPENING STATEMENT OF HON. GEORGE McGOVERN, CHAIRMAN OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Chairman McGOVERN. If the committee will please come to order, let me begin with just a brief opening statement, and then I would like to call on my colleague on the committee, Senator Percy, for any remarks that he would care to give.

We are here today because there is hunger in the city of Chicago, as there is all across this land.

There is hunger and malnutrition in America, in spite of the fact that this is the richest and most productive nation on earth.

This committee, on which Senator Percy and others in the Senate have played such an important role, has compiled a documentary record during the past year that leaves no doubt at all that there are at least 15 million Americans, north, south, east, and west, who are too poor to afford a decent diet.

We have heard expert testimony that hunger and malnutrition among America's poor are as bad or worse than that existing in some of the most economically backward nations.

We have learned that it can doom innocent children to a life of mentally retarded ability and physically retarded ability.

We know this is an American tragedy now that is not isolated, but is of enormous magnitude.

We know that it cannot be permitted to go on.

We know that it costs this country, in dollars alone—to say nothing of the moral and humanitarian costs—three and a half times as much to permit hunger to exist as it would cost to end it.

And yet we fear that for entirely unacceptable reasons, political inertia and mistaken priorities, that hunger may continue.

Everyone here should know that in the Nation's capital we are reaching a critical point now in the crusade against hunger in the United States.

Last fall the Senate passed a historic food stamp reform program which would wipe out hunger and yet, for more than 6 months, that measure—and others—have lain dormant in the House of Representatives.

Reports indicate that the House may act soon, but that they may approve a measure inadequate to the act.

The Senate is also about to consider the administration's welfare reform proposal.

Let me just say for myself that with some reservations I support this proposal for welfare reform; but one of my reservations is that in the enthusiasm for welfare reform, the drive to eliminate hunger may lose some of its momentum. Somehow there is a widespread assumption abroad in the country—even in an editorial in yesterday's New York Times—that everyone who participates in the administration's basic welfare payment of $1,600 a year, will also automatically receive the $800 in food stamps for which they are eligible.

I wish this were true, but under the present structure of our food stamp program that is not true.

The fact is as it now stands that probably less than one-fourth of the 23 million persons eligible to participate in the reform welfare proposal will ever receive the food assistance for which they are eligible.

This means that hunger and malnutrition will not be banished from America, and this is the critical gap in the welfare reform effort that must be filled.

I wish to introduce an amendment in the Senate to make sure that the gap is filled and that every eligible person in the welfare program actually gets the food stamps to which they are entitled.

This amendment has the support now of some 42 Senators. If the Senate and the House do nothing else but pass this amendment, either that one or something like it, to the welfare proposal, they will have done a very significant thing.

They will have made certain that in addition to some improvements in our welfare program we have also eliminated hunger in our land.

I think this is a critical time, as I have said, in the crusade against hunger.

There is another reason why it is, and that is we are nearing a conference on the school lunch proposals that are now pending in the Congress.

The Senate passed a very strong school lunch reform bill, and I can only hope that that measure will be retained in the conference between the House and the Senate.

Let me just say that it is vital that the kind of people who are here in this room today, and those who are following the efforts of this committee across the country, that you make your own concern known about the necessity of ending hunger in this land.

Some years ago the poet Robert Frost wrote, "I have promises to keep and miles to go before I sleep."

I think America has a promise to keep, a promise of food for its poor and hungry, and that it seems to me this is a promise that we must keep to the people of this land.

Now, before I turn to Senator Percy, let me just say that in this city on May 3 some 60,000 to 65,000 young people will, perhaps as many as 100,000, will be participating in a Walk for Development sponsored by the Freedom from Hunger Foundation. These young people are giving their time and efforts to raise funds to help close the hunger gap for the hungry in our own country and other parts of the world.

The effort here is under the direction of a young man by the name of Scott Colky and Mr. Jim Dohenberg.

I hope everyone will support this May 3 effort in the Chicago area in a full and enthusiastic manner.

Now, Senator Percy.

STATEMENT BY HON. CHARLES H. PERCY, U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator PERCY. Thank you, Mr. Chairman.

I would first like to express appreciation to you the chairman of the committee, and to the staff for coming to Chicago and making these hearings possible.

I would also like to express appreciation to Mr. Santos, the chairman of the board of Peoples Church, and to my friend, for a quarter of a century, Rev. Preston Bradley, who is the minister here, and has been for many years, for making these facilities available. I think it is really symbolic that we are in the Peoples Church to talk about a crusade that started with the poor peoples campaign, and is carried on by Operation Breadbasket and others, who are petitioning through the elective process and through the orderly processes of the government—the city councils, the State legislature and the Congress of the United States to see what they can do to redress the inequality and injustice that does exist when we have millions of malnourished and hungry Americans, and yet we spend a great deal of the taxpayers' money in saving the people abroad.

We have had a great deal of cooperation from Alderman Robert O'Rourke in whose ward we are today. A lot of the people of this community have cooperated in making these hearings possible.

I have something of a nostalgic feeling, not all pleasant, about being here.

The nostalgia goes back to the fact I brought my mother down here today. My father worked two blocks from here in the bottom of the depression as a night clerk in a hotel. He received the sum of $35 a week for working seven nights a week, 12 hours a night, and I can tell you that those days, I hope, are gone forever, and are not the "good old days" that you look back on.

What we are trying to do is prevent those kinds of days in this, the most affluent society the world has ever seen, from occurring for so many people.

We have a national economy of about a trillion dollars, and yet we have one out of five families living in a malnourished and impoverished condition.

In this State we are very proud of the fact we are the leading State in the Nation for agricultural exports abroad. We ship almost three quarters of a billion dollars worth of food abroad from the State of Illinois.

The Federal Government pays farmers almost a hundred million dollars a year in Illinois alone for crop subsidies not to grow crops. Yet in Illinois, 21 percent of our households live in poverty, and are malnourished.

Chicago is a great city, a city we all love, a city of fine stores, great universities and colleges, a great medical center of the country, with fine hospitals. Yet in Chicago with all these physical facilities, we know we have a health care crisis for those who can't afford to pay and even a crisis for those who can afford to pay for health care.

We have poverty areas with very high infant mortality rates. We have nearly 200,000 hungry children, malnourished children in Chicago alone.

I wouldn't have to recite for you, Mr. Chairman, the statistics on hunger, malnutrition, and disease. You are one of the best informed men in the United States on the subject. You already know them, and many people in this room know them. They live with them.

What we are trying to do is find today solutions. Some of us who are seeking solutions at the Federal level are working on welfare reform, on food stamp provisions, and on the construction of more neighborhood health centers to reach out and have remedial assistance available in the impoverished neighborhoods.

The State of Illinois is tackling the problem through welfare payments, through a budget of over $6 million for free lunch programs, and $1 million now for free breakfasts. We realize that much needs to be done by the Federal Government, the State government and local government.

Today we are trying to learn what more can be done by Cook County and by the city of Chicago.

The testimony that we are going to hear today will come from the minds and hearts of people who really understand this problem. They are going to try to plug away in a conservative manner to find ways that this, the greatest and most affluent society on earth, can eliminate hunger and malnutrition and all their consequences, to point out that for the lack of a few hundred dollars in food, an infant can be malnourished and continue to not grow in physical and mental development to the point where he can't even stand on his own feet and have a productive life in the future.

I would like to report that though the Governor cannot personally be here today, he will have a representative, an outstanding elected official of the State. The Governor and I and our respective staff, have been working intimately on the problems of hunger in Illinois, as well as in the city of Chicago.

We are working on the details of a program that will alleviate these problems—a program that we hope to be able to implement very soon.

So with that, I turn the meeting back to you, Mr. Chairman, and again express appreciation to you for being in Chicago. I hope your experience will be more pleasant than at the last Democratic Convention in 1968.

Chairman McGovern. I am always grateful for expressions of concern from good Republicans about the State of the Democratic Party.

Let me just say that we have a message here that the Governor has asked me to read; he says:

> I regret unable to attend the hearing. I have asked the Honorable Ray Page to represent the State of Illinois. He will testify regarding our State supported mandatory free school lunch program and our proposed school breakfast program. I am pleased to welcome you to Illinois. We must work together at every level of government to mount a truly effective attack on hunger. We must have proper results and practical programs. We are pleased that our own fine Senator Charles Percy is a member of your committee, and we will continue to work closely with him towards that end.

We are grateful for the Governor's message.

Mr. Page, we are happy to welcome you as the first witness before our committee.

Mr. Page. Mr. Chairman and Senator Percy.

Chairman McGovern. Mr. Page.

STATEMENT OF HON. RAY H. PAGE, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ILLINOIS

Mr. Page. I am delighted to be here and represent the State of Illinois and the Governor of our State.

To give you some brief background on the problem as we see it in the State of Illinois, as it relates to the school children and the preschool children of our State, and what we are attempting to do, and some of the concerns we have that might do the job better.

The State of Illinois, like the rest of the Nation, faces a hunger crisis for thousands of children every day. Hungry children simply cannot function properly, whatever the task that they attempt to do.

Several of the leading nutritionists and educators of this Nation have proved time and time again that a well nourished child will learn more readily, and will function in any activity better than a hungry child.

Now, the State department of education is devoting thousands of man-hours to the program of nutrition for our school children. Emphasis is being placed on good nourishment for the preschool child.

The State department of education is committed to the eradication of hunger among the school children and preschool children in the State of Illinois.

The amendment 8 to the National School Lunch Act, which requires that a written policy be adopted for use within the school district to determine children eligible for free meals, is in force in Illinois. The problem is that there are many children who are not reached because this only involves a district that elects to participate in the school lunch program. The Illinois program is further strengthened by House bill 2601 of the last general assembly, 76, which provided $5,400,000 for free meals for needy children.

This program becomes mandatory September 1, 1970.

I might add that 16,372,243 free lunches have been served to needy children under this act this school year, at a cost of a little over $2½ million.

In the 1971 proposal by our Governor we will have $6,700,000 for needy children for the free lunch program, and an inclusion of $1 million to provide breakfast for the children.

Chairman McGovern. Mr. Page, what percentage of the children will that represent when you get to that level?

Mr. Page. Well, I am going to—let me point out first of all, in cooperation with the department of public aid, the students that qualify for this act are identified by them and given a card of identification which is presented to the school principal. A total of 225,000 children presented such cards this year, and have been identified as needy.

Now, in the State of Illinois we estimate the needy children between 250,000 and 300,000. We are now feeding 181,000 daily on free lunches, which means that we have a long way to go to reach every needy child; but we are making progress. Now this compared to 56,000, roughly 56,000 needy children a year ago prior to this program that we are feeding in this State.

So we have made some progress in this field, but we do have a long way to go.

Now, I think that you are concerned about this situation here in the city of Chicago, and if I might, let me try to give you some figures that might be helpful in interpretation of the problems here.

Approximately 85,000 or 86,000 children were fed each day in schools governed by the Chicago Board of Education in February 1969.

Now, this figure increased to 181,650 children in February 1970. All of those were not, of course, the free meals. A total of 11,682 free meals were served in the city of Chicago in 1969.

In 1970, February, 121,998 free meals were served in the city of Chicago, so I think this gives you some idea of the progress; but we do have a long way to go. We do need to do much more.

I think that I will not take anymore of your time relative to formal remarks, but if you do have questions, I will be very happy to respond to them.

Chairman McGovern. Senator Percy, do you have any questions?

Senator Percy. I have no questions. I would like to express appreciation, however, to Superintendent Page for the invaluable material that his staff offered to me at the time we were facing a crisis in the school lunch program in Chicago and in Illinois. We took that information on the floor of the Senate, and together with material presented by Senator McGovern from 35 Governors, we were able to provide the data which then gave the basis to the Administration for substantially increasing the amount of money they were suggesting in the budget for school lunch programs. We appreciated that help.

Thank you very much, Superintendent.

Mr. Page. Thank you, sir.

I might add that as you well know, that the Senate amendments would be of great assistance to Illinois in meeting this need; the cash reimbursement—additional cash reimbursement is essential. We allow 15 cents on our free lunch program here in the State of Illinois, and it certainly does not meet the total need, and with referendums being defeated in local school districts for increased money for the operation of the school, it forces the school boards and administrators to establish priorities—and unfortunately this is an area that has not been placed at the top of the priority, which in my mind should.

I would also say I hope that the day would come that we would not have to identify needy children, but that we would have an across-the-board free lunch program for every child in America.

Chairman McGovern. Thank you very much, Mr. Page. We appreciate the information you have made available.

Mr. Page. Thank you, Senator.

(The prepared statement of Hon. Ray Page follows:)

Prepared Statement of Hon. Ray Page

The State of Illinois like the rest of the nation faces a hunger crisis for thousands of children every day. Hungry children simply cannot function properly, whatever the task they attempt to do. Several of the leading nutritionists and educators have proved time and again that a well-nourished child will learn more readily and will function in any activity better than a hungry child. Proper nutrition for every child must be a keystone in our society.

The office of the superintendent of public instruction is devoting thousands of manhours to the program of good nutrition for all school children. Emphasis is being placed on good nourishment for the preschool child. Studies have proven that sufficient diet for preschool children helps them to be more alert and ready for their school programs.

The State Department of Education is committed to the eradication of hunger among the school children and preschool children in the State of Illinois.

Approximately 3,100 attendance centers out of 5,760 public and nonpublic schools presently offer food service through the national school lunch program in Illinois. Of the approximately 1,397 public schools without food service, 104 attendance centers have initiated new food service programs since September, 1969.

Amendment 8 to the National School Lunch Act which requires that a written policy be adopted for use within the school district to determine children eligible for free meals is in force in Illinois. We fully concurred with the intent of this amendment and immediately notified participating schools of this responsibility. We have approved guidelines for free and reduced price meals for all schools participating in the National School Lunch program. We have insisted that guideline policies be strictly adhered to and examine the procedures followed closely in administrative reviews and other personal visits.

The Illinois program was further strengthened by House bill 2601, passed by the 76th general assembly (1969 session), which amended the Community School Lunch Program Act and provided that the Office of the Superintendent of Public Instruction appropriate 15¢ to school boards for each free lunch served to needy children of their respective districts. $5.4 million was appropriated to implement this program for the 1969–70 school year.

This legislation includes a provision that every public school must provide free lunches for needy children by September 1, 1970. Private and parochial nonpublic schools are eligible to participate in this Illinois free school lunch program although it is not mandatory. As of March 1, 1970, 16,372,243 free lunches have been served to needy children under the Illinois free school lunch program and a total reimbursement of $2,455,836.45 has been paid.

To further assist in meeting the nutritional needs of Illinois school children, the Governor has included $6.7 million in his 1971 budget to provide lunches for needy students and $1 million to provide breakfasts for these needy children.

Since passage of House bill 2601, it has been a State policy that all children from families receiving any form of public assistance are eligible for free lunches at school. In cooperation with the Illinois Department of Public Aid, 225,000 identification cards were issued for children from families receiving public assistance. These cards were submitted to and accepted by school principals as recognition of eligibility to receive a free lunch at school. Children from families in which extenuating circumstances such as illness, strikes or layoffs from jobs, etc., cause a financial burden on them to try to provide adequate meals may also be determined by school officials to be eligible for free meals.

We are expending time, skills and services, and money to reach needy children with food service as soon as possible. Besides the State revenue appropriated for cash reimbursement to school districts, the State of Illinois has appropriated $279,000 to administer school food service programs in our State during the 1970 fiscal year.

We are now working with every metropolitan area in Illinois to assist in plans to begin or expand school food service programs. Results of these efforts in two areas of our State where food service programs are badly needed indicate gains in participation: In February 1969, approximately 85,998 children were fed each day in schools governed by the Chicago Board of Education. This figure increased to 181,650 children fed each day in February 1970. In East St. Louis, Illinois, approximately 6,572 children received the benefit of school food service in February 1969, while 11,624 children participated in food service programs each day in February 1970. The Chicago Board of Education received $188,648.00 in nonfood assistance program funds in the 1969 year to begin and expand food service. The Chicago Archdiocese Board of Education will receive $125,000.00 in nonfood assistance program funds to begin food service in 43 private schools in September 1970. Estimates indicate that these new programs will serve more than 10,000 children each day.

One of our principal concerns is trying to gain public awareness of the fact that many of our school children are undernourished. However, to do this, we must also overcome the feeling that most families have sufficient income to provide an adequate diet if this income were channelled for proper purposes. This attitude absolves the general public of any responsibility to provide food for children of these families.

The major obstacle which we have encountered for reaching all children with the nutrition which they require is a lack of funds. School districts and their administrators are constantly being asked to accept more responsibility in providing extensive educational services. Many times, they must provide these additional services, maintain teachers' salaries at satisfactory levels, plan to accommodate increasing enrollments, etc., with budget allowances limited by conservative boards of education or the failure of school referendums disapproved by taxpayers.

The existence of many school food service operations have been terminated and are now threatened unless the program can become self-sustaining. Although we, in Illinois, have held school lunch prices to reasonable amounts, in an attempt by school districts to increase program income, undoubtedly many students have been "priced out" of the program as lunch prices increase.

We have found, and our figures of participation prove, the greatest incentive to reaching the children who need the benefit of a lunch at school to be additional cash reimbursement. Progress has been made at all levels in providing needy children with free meals at school. In the Chicago Board of Education food service programs, only 11,682 free meals were served daily in February 1969. In Fegruary 1970, 121,998 free meals were served each day in these programs. In East St. Louis, Illinois, 3,516 free meals were served in February 1969, with this figure increasing to 8,010 free meals served each day in February 1970. Statewide participation levels increased from 56,233 free meals served daily in February 1969, to 181,170 free meals served each day in February 1970. These figures reflect an increase of 124,937 free meals served each day.

Chairman McGOVERN. Dr. Brooks, we will be happy to hear from you now.

Dr. Brooks is the Commissioner of the Chicago Department of Human Resources, and will be testifying on matters relating to the food situation in Chicago.

STATEMENT OF DR. DETON J. BROOKS, JR., COMMISSIONER, DEPARTMENT OF HUMAN RESOURCES, CITY OF CHICAGO

Dr. BROOKS. Thank you, Senator.

Senator McGovern, Chairman of the Select Subcommittee; Senator Percy.

Thank you for this opportunity to speak before the Select Committee on Nutrition and Human Needs; on behalf of Mayor Richard J. Daley, whom I am representing today, I welcome you to Chicago.

As you have indicated, I am the Commissioner of the Department of Human Resources, and Mayor Daley has given my department the primary responsibility of coordinating all of the public food and nutrition services and programs that are available in Chicago.

I believe that you will find that Chicago has attempted to take a leadership role in the area of nutrition and human needs.

This leadership stems from a high regard for the quality of family life, and is made possible by the high degree of cooperation among both public and private sectors in our city, both at central and neighborhood levels.

This high regard for family life was expressed over a year ago when the city council passed an ordinance creating a new Department of Human Resources. Only a few of the Nation's cities have taken this step—among them, of course, Cleveland, New York City—and now Washington, D.C.

The ordinance was passed at the end of 1968, and I was approved by the city council as commissioner in March 1969.

Less than 2 months later, on May 5, the department received its first major assignment, for on that day Mayor Daley convened a special cabinet meeting and asked my department to wage the battle on hunger in Chicago in cooperation with all other public agencies in the city.

Obviously this was one of the assignments for which we should take responsibility, and just as your committee recognizes the vital link between nutrition and human need, Chicago, by official corporate act, recognizes linkage between nutrition and development of its human resources.

Just 4 weeks ago Chicago witnessed another event which I believe has some historic significance. It was the first city in the Nation to hold its own public hearings on the issue of hunger.

Reverend Jesse Jackson, National Director of Operation Breadbasket, and a host of witnesses—both private citizens and representatives of county and city government, including myself—testified at these hearings.

I want to say that Operation Breadbasket has played a great part in bringing about these hearings which were held with the finance committee of the city council, and then subsequently the work which was done by the full city council.

This event led to another on April 8. On that day the city council passed an emergency ordinance calling for the appropriation of $500,000 to the Department of Human Resources for the beginning of the alleviation of hunger. The ordinance specified that the appropriation was to be supplemented by other Federal funds which might become available, and certainly by whatever funds might become available through the resources of the State.

At the same time the city council passed a resolution that hunger was contrary to city policy and called upon State and Federal Governments to step up their efforts to feed Chicago's hungry.

Today, at this very moment, the staff of the Chicago Committee on Urban Opportunity, the Model Cities Program, and the Department of Human Resources are making final preparations to open 14 public facilities which will provide free meals to hungry individuals and families throughout the inner city.

Any individual or family who is hungry will be able to come to these 14 sites and receive a free hot meal between 10 a.m. and 3 p.m. at sittings every half hour throughout the 5-hour period. Those persons who are home-bound because of age or illness would have the food delivered to them.

If I were to try to interpret the significance of these events, of their impact locally and nationwide, I would say that Chicago has said first that all Chicagoans shall be fed, and must be fed, and, second, that the problem of overcoming hunger is a national program, a Federal problem involving the States, and one to which Chicago is willing to give leadership and shoulder responsibility to the extent of its ability under existing laws.

First I want to give a brief account of the action phase of Chicago's battle to end hunger. It is an account which gives credit to public and private agencies and local, State, and Federal levels, and to business and industry, and to local groups and organizations.

As I recount these accomplishments, please bear in mind that at one time in the past year more than 65 representatives of public and private agencies and businesses have been engaged in this common cause.

We start on May 5, 1969, the day on which the mayor opened the attack on hunger at a special cabinet meeting.

At the mayor's direction, the Department of Human Resources formed a task force composed of city agencies to establish emergency food service. Under this program, food vouchers were issued to the hungry, not only during the day but during evenings and weekends.

The Chicago Committee on Urban Opportunity, under a special grant from OEO, administrated this emergency program for the first 38 days. During this time the Cook County Department of Public Aid developed a section to assume ongoing responsibilities for this expanded program.

By June 19, 1969, the Cook County Department of Public Aid stated it would assume responsibility for the program and did so. At that time the department requested public aid to stay open beyond its normal working hours to provide emergency food help, and we have a very distinct and abiding belief in Chicago that the problems of hunger and the problems of the people in the inner city don't just exist during the hours of 9 o'clock in the morning to 5 o'clock in the evening.

The problems never stop, and it seems to us that all of the agencies which are involved ought to be prepared to render service during those times, because that is one of the reasons when I headed the Chicago Committee on Urban Opportunity that I insisted that we be open 7 days a week, we be opened from 8 in the morning until 10 at night, and if there were additional emergencies, which did occur, that we could be prepared to stay open all night, and certainly in this kind of a program we felt that if a crisis occurred that we would hope that the State agencies, such as Cook County Department of

Public Aid, would be sensitive to this kind of thing and make arrangements to stay open after the 4:30 or 5 o'clock normal closing hours.

Outraged families needing emergency assistance throughout the program has been provided by community representatives of the Chicago Committee on Urban Opportunity, neighborhood workers of the Department of Human Resources, visiting nurses of the Chicago Board of Health, teachers of the Chicago Board of Education, caseworkers of the Cook County Department of Public Aid, policemen, firemen, staff of the mayor's Office of Inquiry and Information, and of other city departments having direct contact with people.

Emergency transportation services are provided by the police and fire departments and by the Chicago Committee on Urban Opportunity.

The feeling was that if people could not get to centers to get and pick up a voucher, whatever it is, for this kind of thing, that by going to, or by someone calling to one of these centers, that the police department would be prepared, the fire department, to provide emergency transportation, and also that the Chicago Committee on Urban Opportunity with its vehicles could provide this, and obviously the provision had to be made for people who are nonambulatory, who were confined to home, that people could carry the food and shop for them, to their own homes.

All agencies cooperate in followup to help develop a program which will prevent a family from becoming hungry again under this same set of circumstances.

In other words, it is quite recognized that any kind of a crisis program, or any kind of an emergency program is not a solution to a problem of hunger; that you can provide at that moment in time either food or you can provide a disbursement order, or something of this particular type, but obviously there needs to be followup to see if a long-range solution cannot be found to help that family.

In its first 38 days, under the Chicago Committee on Urban Opportunity, more than 8,000 families and 42,000 individuals received cash vouchers for purchase of food.

From June 19, 1969, to March 21, 1970, under the Cook County Department of Public Aid more than 17,645 families and 88,000 individuals have received emergency assistance between the hours of 4 p.m. and 9 p.m. and on weekends.

This emergency program begun last May 5th is still in effect. Its distinctive features are the services it provides outside normal working hours, the cooperation of countless city agencies, including police and fire, in recruitment, followup and transportation.

As soon as the emergency food assistance was underway the department established an ad hoc advisory committee on food and nutrition composed of concerned public agencies at the local, State, and Federal level.

This advisory committee meets regularly to discuss food problems, report on progress, formulate plans to expand programs, and resolve operating problems.

To date, the department, in cooperation with the agencies represented on the committee can make the following report:

Free school lunches have grown from 9,000 a year ago to more than 116,000 today; and the goal is at least 160,000 daily by June.

As you heard the Superintendent of Public Instruction say, they were feeding in Chicago in January and February, 1969, some 89,000 youngsters, but the significant thing, when we got into this thing around May, we found that of these only 9,000 or 10,000 were free lunches. The rest of them were being paid for in some other way.

He made a point of saying these were not all free lunches, so our statistics are agreed, and, as I say, this 116,000 out of the total number that he represents, are free lunches at the present time that are being fed, and we hope with the provision of the legislature, the State legislation under the law, and the Department of Agriculture legislation, and that we can feed 160,000 before the close of the school year.

Support was given to the Mann bill in the Illinois legislature, which provides 15 cents towards each free lunch. Support was also given to the Perkins bill in the U.S. Congress to provide emergency funds for free school lunches nationally.

The Catholic Archdiocese announced it will provide 10,000 free hot meals daily when school resumes next fall. It will initiate the program this spring with 2,000 meals daily.

Experts in the field of health and nutrition have consulted with departmental staff in the development of new programs and in review of ongoing food services.

The National Council of Negro Women was given technical assistance in holding a citywide meeting to formulate proposals for the President's White House Conference on Food, Nutrition, and Health.

A series of discussions were held with a group of aldermen to explain the city's approach to the various problems posed in the delivery of adequate food services, to get their suggestions on which would be the better way of handling it.

Various proposals were discussed with the regional office of the Department of Agriculture for the improved use of food stamps in raising food and nutrition levels of low income families.

A demonstration feeding program for the elderly, operated by the Department of Human Resources, was continued for a second year.

The program reached 5,500 senior citizens daily.

I might say this is a federally funded program under HEW. It is experimental in nature, to assess the eating habits of the elderly, so that malnutrition may be avoided. Plans are underway to seek continuation of this important program for a third straight year.

Finally, I want to comment briefly on what I consider to be one of the most innovative food action programs developed in Chicago by these cooperating agencies and groups.

I am referring to the Demonstration Supplemental Food Program which is administered by the Cook County Department of Public Aid on Chicago's south side, in the Grand Boulevard-Oakland area.

As you know, the national supplemental food program is a special commodity distribution program for pregnant and nursing mothers and children up to 6 years of age. The Demonstration Supplemental Food Program developed in Chicago provides food coupons towards the purchase of additional milk, iron-enriched cereal, and baby formula for pregnant and nursing mothers and infants up to 1 year of age.

I believe the Chicago demonstration, one of several pilot programs of these types throughout the country, is especially significant.

First it shows what can be done when a city, State government and food industry join forces. The department was able to bring everybody together to develop a special program that would not rely on a costly and duplicative commodity distribution system.

The State was represented by the Governor's Office of Human Resources, the food industry by the Illinois Retail Merchants Association, and its prominent Chicago area membership.

When the Department of Agriculture saw that the city of Chicago, State of Illinois, and the food industry were recommending food certificates as a distributing mechanism for supplemental foods it agreed to send a task force to Chicago to work out the pilot program.

The program was inaugurated 11 weeks ago and is expected to benefit approximately 3,000 to 5,000 mothers and infants over a 12-month period. Under the program a mother and infant receive $15 per month including funds for the purchase of milk, cereal, and formula. All persons receiving public assistance, registered in infant welfare clinics, or receiving food stamps, are eligible. Otherwise food stamp criteria apply.

The pilot program is geared to test a system which could be applied nationally to raise the nutritional levels of mothers and infants at a critical period in their lives, with the least amount of red tape, and the best hope of motivating mass participation.

In discussing this program so far with representatives of the Cook County Department of Public Aid, they say it has become one of the best manageable programs because it has very little red tape to it, and instead of costly red tape kind of a program, these coupons allow mothers to go to any store that they want to.

I want to emphasize at this point that the city took the initiative in developing this program in cooperation with the food industry and other local and State agencies.

It was decided, however, that the Cook County Department of Public Aid should administer the program.

Chicago made it clear then, and I want to repeat now, that it was and is willing to operate this program and any other program which will raise the nutritional levels of its citizens.

At all times our position has been that anything which could be done should be done as quickly and effectively as possible.

We certainly didn't feel we wanted to get in a jurisdictional fight over who would administer the program, and if the Department of Agriculture and the States, "This is our responsibility, all we want was to get it operated as quickly as possible. We will give our full cooperation."

As I stated earlier, this has been a report of actions taken by the city in the past year. It brings us full circle to the most recent actions which I reported on earlier. The holding of public hunger hearings, the passage of the ordinance appropriating $500,000 to help establish a citywide feeding program. It brings us, in fact, to this moment here today.

You come to Chicago at a time when we have publicly enunciated a policy on hunger and human needs, at a time when efforts will continue to expand the various food action programs that are available nationally: School breakfasts and luncheons, food stamps, supplemental foods, emergency services and food allowances; at a time when Chicago is adding its own significant food action program, the serving of hot meals to the hungry at public facilities throughout the inner city, but it is the enunciation of policies which I want to comment on at this point.

I said earlier that Chicago in appropriating $500,000 to the Department of Human Resources to fight hunger, was giving leadership to the Nation in formulating its priorities. In effect, Chicago is saying that the war on hunger must be waged at the local level, but that it can only be won at the national level; that a creative federalism must explore new ways to channel funds to cities to deal with the urban challenge.

Chicago knows that mere expansion of the various ongoing but disjointed food programs will not solve the basic problem of hunger, but it cannot for a moment let up in its efforts to expand the services.

The answer lies elsewhere. When I speak of hunger I am not referring to malnourishment, which primarily is a medical program. By hunger I mean the condition of not having adequate nutritional purchasing power.

The basic problem on hunger will be solved when this purchasing power is raised to a level which will insure adequate nutritional standards for all Americans.

This, of course, goes hand in hand with adequate housing standards, clothing standards, and other related living standards.

This is the major challenge to solving the hunger problem and to the principle of creative federalism. Perhaps the major block to achieving these ends is the character of present public welfare programs.

Most public food programs are federally funded and administered. Chicago itself annually appropriates and turns over to the State of Illinois funds in excess of $13 million for public aid purposes.

President Nixon in December 1969 at the White House Conference on Food, Nutrition, and Health indicated it was the prime responsibility of the Federal Government to eradicate hunger from the land. History demonstrates a national trend which places responsibility for social problems at State and national levels.

Yet at this moment in history the Nation's great cities are being implored by their citizens to take more and more responsibility for their own destinies. Reconciling the new urban presence with the Federal past is our great dilemma, and it is at the heart of the hunger problem as it is at the heart of so many other welfare problems confronting us.

This is the best clue to understanding and interpreting Chicago's passage of the $500,000 appropriation to alleviate hunger. It already is turning over $13 million to the State to welfare, according to State law, but in response to, and concern for, its citizens it has embarked on a new welfare path. If Chicago were to travel that path alone, it is estimated that an adequate food program for Chicagoans would cost approximately $300 million annually.

The path, however, must lead to a national solution based on an adequate income base for all families. Perhaps the new welfare legislation before Congress is a step in this direction. Certainly in theory it is a good program, but much clarification is needed on the ultimate base income levels which would apply in our Nation's cities.

In Chicago this base ~~must be high enough~~ so that a family would be able to buy enough food to maintain high levels of health and nutrition at the end of the month as well as at the beginning, live in a decent home and be adequately clothed.

This is how we must measure our success in developing and expanding the human resources of our city. Words will not help us achieve our ends. Only deeds will do the job, and money.

Certainly Chicago stands ready to work on the solution with you, but the solution will not be forthcoming unless the State and Federal Governments stand ready to assist the cities in this mammoth undertaking.

I recall here again that President Nixon at the White House Conference on Food, Nutrition, and Health said that it was the responsibility of the Federal Government to conquer hunger in our land.

In helping the President to carry out that mission, Chicago stands ready to cooperate in one or all of three ways:

Work directly with the Federal Government; work in collaboration with the State and Federal Government; or accept complete responsibility for the delivery of nutritional services to all Chicagoans if all resources are made available to our city, a task which—I repeat—it is estimated would cost $300 million annually.

Our primary goal is to feed the hungry and to provide adequate nutritional levels for all citizens. Chicago is committed to this promise. Our actions and our deeds in pursuing this goal will not only speak for Chicago but for the entire nation.

(Statement of Commissioner Deton J. Brooks, Jr., follows:)

PREPARED STATEMENT OF DETON J. BROOKS, JR.

Thank you for this opportunity to speak before the select committee on nutrition and human needs. On behalf of Mayor Richard J. Daley, whom I am representing today, I welcome you to Chicago. I am Deton J. Brooks, Jr., Commissioner of the Department of Human Resources. Mayor Daley has given my department the responsibility of coordinating all public food and nutrition services and programs in Chicago.

I believe you will find that Chicago has taken a leadership role in the area of nutrition and human needs. This leadership stems from a high regard for the quality of family life and is made possible by the high degree of cooperation among both public and private sectors in our city, both at central and neighborhood levels.

This high regard for family life was expressed over a year ago when the city council passed an ordinance creating a new Department of Human Resources. Only a few of the Nation's cities had taken this step. Among them, Cleveland, New York City, and Washington, D.C. The ordinance was passed at the end of 1968 and I was approved by the city council as commissioner in March 1969.

Less than two months later, on May 5, the department received its first major assignment. On that day Mayor Daley convened a special cabinet meeting and asked my department to wage the battle of hunger in Chicago in cooperation with all other public agencies in the city.

I believe this was a very fitting assignment for the new department. Just as your committee recognizes the vital link between nutrition and human need, Chicago by official corporate act, recognized this linkage between nutrition and development of its human resources.

Just four weeks ago Chicago witnessed another event which I believe is of historic significance. Chicago was the first city in the nation to hold its own public hearing on the issue of hunger. Reverend Jesse Jackson, national director of Operation Breadbasket, and a host of witnesses, both private citizens and representatives of county and city government, including myself, testified at these hearings.

This historic event led to yet another on April 8. On that date the Chicago city council passed an emergency ordinance calling for the appropriation of $500,000 to the department of human resources for the alleviation of hunger. The ordinance specified that the appropriation was to be supplemented by other federal funds which might become available.

At the same time the city council passed a resolution that hunger was contrary to city policy and called upon state and federal governments to step up their efforts to feed Chicago's hungry.

Today—at this very moment—staff of the Chicago Committee on Urban Opportunity, the Model Cities Program, and the Department of Human Resources are making final preparations to open 14 public facilities which will provide free meals to hungry individuals and families throughout the inner city. Any individual or family who is hungry will be able to come to these 14 sites and receive a free hot meal between 10:00 a.m. and 3:00 p.m. at sittings every half hour throughout the five hour period. Those persons who are home-bound because of age or illness would have the food delivered to them.

If I were to try to interpret the significance of these events—of their impact locally and nationwide—I would say that Chicago has said first that all Chicagoans shall be fed; and second, that the problem of overcoming hunger is a national problem—a federal problem involving the states—and one to which Chicago is willing to give leadership and to shoulder responsibility to the extent of its ability under existing laws.

First I want to give a brief account of the action phase of Chicago's battle to end hunger. It is an account which gives credit to public and private agencies, at local, state, and federal levels, and to business and industry, and to local groups and organizations. As I recount these accomplishments, please bear in mind that at one time in the past year more than 65 representatives of public and private agencies and businesses have been engaged in this common cause.

We start on May 5, 1969, the day on which the mayor opened the attack on hunger at a special cabinet meeting. At the mayor's direction the Department of Human Resources formed a task force composed of city agencies to establish an emergency food service. Under this program food vouchers were issued to the hungry not only during the day but during evenings and weekends.

The Chicago committee on Urban Opportunity, under a special grant from OEO, administered this emergency program for the first 38 days. During this time the Cook County Department of Public Aid developed a system to assume ongoing responsibility for this program.

By June 19, 1969, Cook County Department of Public Aid stated it would assume responsibility for the program and did so. At that time the department requested public aid to stay open beyond its normal working hours to provide emergency food help. It agreed and for the first time it was able to provide such assistance on evenings and over the weekend. This service currently is being provided by public aid at a special office at 71 E. 21st Street.

Outreach to families needing emergency assistance throughout the program has been provided by community representatives of the Chicago Committee on Urban Opportunity, neighborhood workers of the Department of Human Resources, visiting nurses of the Chicago Board of Health, teachers of the Chicago Board of Education, caseworkers of the Cook County Department of Public Aid, policemen, firemen, staff of the mayor's office of inquiry and information, and of other city departments having direct contact with people.

Emergency transportation services are provided by the police and fire departments and by the Chicago committee on urban opportunity. This emergency service will transport families to public aid offices and will pick up and deliver food for the homebound purchased with the cash voucher.

All agencies cooperate in follow-up to help develop a program which will prevent a family from becoming hungry again under the same set of circumstances.

In its first 38 days, under the Chicago Committee on Urban Opportunity, more than 8,000 families and 42,000 individuals received cash vouchers for purchase of food. From June 19, 1969 to March 21, 1970 under the Cook County Department of Public Aid more than 17,645 families and 88,000 individuals have received emergency assistance between the hours of 4:00 P.M. and 9:00 P.M. and on weekends.

This emergency program begun last May 5 is still in effect. Its distinctive features are the services it provides outside normal working hours, the cooperation of countless city agencies, including police and fire, in recruitment, follow-up and transportation.

As soon as the emergency food assistance program was underway the department established an ad hoc advisory committee on food and nutrition composed of concerned public agencies at the local, State, and Federal levels. This advisory committee meets regularly to discuss food problems, report on progress, formulate plans to expand programs and to resolve operating problems.

To date, the department, in cooperation with the agencies represented on the committee, can make the following report:

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Support was given to the Mann bill in the Illinois Legislature, which provides 15 cents towards each free lunch; support was also given to the Perkins bill in the United States Congress to provide emergency funds for free school lunches nationally.

The Catholic Archdiocese announced it will provide 10,000 free hot meals daily when school resumes next fall. It will initiate the program this spring with 2,000 meals daily.

Experts in the fields of health and nutrition have consulted with departmental staff in the development of new programs and review of ongoing food services.

The National Council of Negro Women was given technical assistance in holding a citywide meeting to formulate proposals for the President's White House Conference on Food, Nutrition, and Health.

A series of discussions were held with a group of aldermen to explain the city's approach to the various problems posed in the delivery of adequate food services.

Various proposals were discussed with the regional office of the Department of Agriculture for the improved use of food stamps in raising food and nutrition levels of low income families.

A demonstration feeding program for the elderly, operated by the Department of Human Resources, was continued for a second year. The program reaches 5,500 senior citizens daily. It is experimental in nature, to assess the eating habits of the elderly, so that malnutrition may be avoided. Plans are underway to seek continuation of this important program for a third straight year.

Finally—I want to comment briefly on what I consider to be one of the most innovative food action programs developed in Chicago by these cooperating agencies and groups. I am referring to the Demonstration Supplemental Food Program which is administered by the Cook County Department of Public Aid on Chicago's south side—in the Grand Boulevard-Oakland area.

As you know, the National Supplemental Food Program is a special commodity distribution program for pregnant and nursing mothers and children up to six years of age. The Demonstration Supplemental Food Program developed in Chicago provides food coupons towards the purchase of additional milk, iron enriched cereal, and baby formula for pregnant and nursing mothers and infants up to one year of age. I believe this Chicago demonstration—one of several pilot programs of this type throughout the country—is especially significant.

First it shows what can be done when the city, State government and food industry join forces. The department was able to bring everybody together to develop a special pilot program that would not rely on a costly and duplicative commodity distribution system.

The state was represented by the Governor's Office of Human Resources, the food industry by the Illinois Retail Merchants Association and its prominent Chicago area membership.

When the Department of Agriculture saw that the city of Chicago, State of Illinois, and the food industry were recommending food certificates as a distributing mechanism for supplemental foods it agreed to send a task force to Chicago to work out the pilot program.

The program was inaugurated 11 weeks ago and is expected to benefit approximately 3,000 to 5,000 mothers and infants over a 12-month period. Under the program a mother and infant receive $15 per month in coupons for the purchase of milk, cereal, and formula. All persons receiving public assistance, registered in infant welfare clinics, or receiving food stamps are eligible. Otherwise food stamp criteria apply.

The pilot program is geared to test a system which could be applied nationally to raise the nutritional levels of mothers and infants at a critical period in their lives * * * with the least amount of red tape * * * and the best hope of motivating mass participation.

I want to emphasize at this point that the city took the initiative in developing this program in cooperation with the food industry and other local and State agencies. It was decided, however, that the Cook County Department of Public Aid should administer the program. Chicago made it clear then and I want to repeat now that it was and is willing to operate this program and any other program which will raise the nutritional levels of its citizens. At all times our position has been that anything which could be done should be done as quickly and as effectively as possible.

As I stated earlier this has been a report of actions taken by the city in the past year. It brings us full circle to the most recent actions which I reported on earlier: The holding of public hunger hearings, the passage of the ordinance appropriating $500,000 to help establish a citywide feeding program. It brings us, in fact, to this moment here today.

You come to Chicago at a time when we have publicly enunciated a policy on hunger and human need.

At a time when efforts will continue to expand the various food action programs that are available nationally: School breakfasts and lunches, food stamps, supplemental foods, emergency services and food allowances.

At a time when Chicago is adding its own significant food action program—the serving of hot meals to the hungry at public facilities throughout the inner city.

But it is the enunciation of policy which I want to comment on at this point.

I said earlier that Chicago in appropriating $500,000 to the Department of Human Resources to fight hunger was giving leadership to the Nation in formulating its priorities. In effect, Chicago is saying that the war on hunger must be waged at the local level—but that it can only be won at the national level. That a creative federalism must explore new ways to channel funds to cities to deal with the urban challenge.

Chicago knows that mere expansion of the various ongoing but disjointed food programs will not solve the basic problem of hunger. But it cannot for a moment let up in its efforts to expand these services.

The answer lies elsewhere. When I speak of hunger I am not referring to malnourishment which primarily is a medical problem. By hunger I mean the condition of not having adequate nutritional purchasing power. The basic problem of hunger will be solved when this purchasing power is raised to a level which will insure adequate nutritional standards for all Americans. This, of course, goes hand in hand with adequate housing standards, clothing standards, and other related living standards.

This is the major challenge to solving the hunger problem and to the principle of creative federalism. Perhaps the major block to achieving these ends is the character of present public welfare programs. Most public food programs are federally funded and administered. Chicago itself annually appropriates and turns over to the State of Illinois funds in excess of $13 million for public aid purposes. President Nixon in December 1969 at the White House conference on food, nutrition, and health indicated it was the prime responsibility of the Federal Government to eradicate hunger from the land. History demonstrates a national trend which places responsibility for social problems at State and national levels.

Yet at this moment in history the Nation's great cities are being implored by their citizens to take more and more responsibility for their own destinies. Reconciling the new urban presence with the Federal past is our great dilemma. And it is at the heart of the hunger problem as it is at the heart of so many other welfare problems confronting us.

This is the best clue to understanding and interpreting Chicago's passage of the $500,000 appropriation to alleviate hunger. It already is turning over $13 million to the State for welfare, according to State law, but in response to—and concern for—its citizens it has embarked on a new welfare path. If Chicago were to travel that path alone it is estimated that an adequate food program for Chicagoans would cost approximately $300 million annually.

The path, however, must lead to a national solution based on an adequate income base for all families. Perhaps the new welfare legislation before Congress is a step in this direction. Certainly in theory it is a good program. But much clarification is needed on the ultimate base income levels which would apply in our Nation's cities.

In Chicago this base must be high enough so that a family will be able to buy enough food to maintain high levels of health and nutrition—at the end of the month as well as at the beginning. Live in a decent home and be adequately clothed.

This is how we must measure our success in developing and expanding the human resources of our city.

Words will not help us achieve our ends. Only deeds will do the job.

Certainly Chicago stands ready to work on the solution with you. But a solution will not be forthcoming unless the State and Federal Governments stand ready to assist the cities in this mammoth undertaking. I recall here that President Nixon at the White House Conference on Food, Nutrition, and Health said that it was the responsibility of the Federal Government to conquer hunger in our land.

In helping the President to carry out that mission, Chicago stands ready to cooperate in one or all of three ways:

Work directly with the Federal Government;

Work in collaboration with the State and the Federal Government;

Or accept complete responsibility for the delivery of nutritional services to all Chicagoans if all resources are made available to our city. A task which—I repeat—it is estimated—would cost $300 million annually.

Our primary goal is to feed the hungry and to provide adequate nutritional levels for all citizens. Chicago is committed to this promise. Our actions and our deeds in pursuing this goal will not only speak for Chicago but for the entire Nation.

Chairman McGovern. Thank you very much, Dr. Brooks.

Under the emergency or personal disaster food program that this city has been operating that you have referred to, do you require people receiving assistance under that program to have that amount of assistance deducted from their welfare payments?

Dr. Brooks. We didn't at the time that—when I say the city, remember what occurred here. At that particular time there was no city appropriation for this kind of emergency then, but when the mayor of the city of Chicago said no one was to go hungry in the city of Chicago, he called all of the members and the cabinet and other related organizations, and an immediate emergency fund was set up through the regional office of Economic Opportunity, through the Chicago Committee on Urban Opportunity, and for that 38 days.

At that particular time, the Chicago Committee on Urban Opportunity did administer this program. It was recognized at the time that there were emergency provisions in the State public aid provisions, in the Cook County Department of Public Aid, but, as was pointed out, at the time we were not geared up to handle these cases at night and on Saturdays, late Saturdays and Sundays.

We immediately worked with them. They said it was their responsibility, and by June 19th they took over the program.

Then at that particular time the provisions under which they were administering the program began to prevail.

In addition to this, with this feeding program that we are talking about now, with the appropriation of $500,000 for the city, we are not asking for any means test, nor does it have to be related to any of the——

Chairman McGovern. Dr. Brooks, just to make sure that I am hearing what you are saying, you are still operating the emergency or the so-called personal disaster program, aren't you?

Dr. **Brooks**. Correct, but at this particular time the funds which are coming from it are administered by the Cook County Department of Public Aid under its State plan.

See, they have an emergency operation. What we do is to get the people to them.

Chairman **McGovern**. But the point is this, is there a requirement in that food program, as it is now operated, that the people who benefit from it had to reimburse the amount out of deductions that are made from their future welfare payments; in other words, are they really getting anything?

Dr. **Brooks**. They claim at the local hearings that only in certain kinds of cases.

Again, as I state, we didn't administer the program. They administered it under the provisions that they have.

This question has been asked a series of times, has been asked by aldermen, and they say in any kind of an emergency that it does not necessarily have to be deducted from the grant.

Now, what they are doing, I would prefer their representatives answer you on the question.

Chairman **McGovern**. Well, who do you mean now; the county representatives?

Dr. **Brooks**. In the State of Illinois, the Cook County Department of Public Aid is in effect an agent of the State of Illinois, and it operates under the provisions of the State in terms of giving emergency assistance.

Now, the regulations, therefore, are set up by the—well, in the guidelines of the public assistance program for the State, which does provide for funds—that is, that the emergency funds to be, to channel the people in case of any kind of a crisis.

Now, the question involved here is, as I say, this question has arisen a number of times as to what extent there is a requirement to pay back this money, and I would prefer that they answer this question.

Chairman **McGovern**. Dr. Brooks, who do you think we could direct that question to?

Dr. **Brooks**. I saw Mr. Ballou here—to Mr. David Daniels, he is the director of the Cook County Department of Public Aid—I saw Mr. John Ballou here, I believe, who is the assistant director of the department.

Chairman **McGovern**. It seems to me a peculiar requirement that if we are trying to help people who have been wiped out——

Dr. **Brooks**. You have no argument with me on this at all.

As I say, in anything that we have placed our hands on here, and are placing it on in terms of where we have the facilities and the administration of the program, this would not be a requirement, certainly even in this feeding program, we want to follow up with people to see if we can do more than just feed them in a day or two, along that line—but certainly it seems to me that the presumption has to be that if a person comes in to get something to eat, that they need something to eat, and you feed that at that time. I just don't think that people generally would be running around and looking for a free meal if they have got it at home.

Chairman **McGovern**. Well, the point is that if we are going to operate a program here, or anywhere else, that is designed to take care of a personal disaster situation where somebody is really hungry, it seems to me a peculiar situation to say that that person then later on has to reimburse the cost of that out of his welfare payments.

Dr. BROOKS. I would generally—I mean, I don't know all of the other circumstances here.

Again, as I say, that even in the general assistance program, I want to make it clear the only—and this is by State legislation—the only jurisdiction in the State of Illinois which does not have the right to administer its own assistance program is the city of Chicago and Cicero. This was legislation passed in 1958—the city still contributes the returns of a 1 mill tax, but this money is turned over to the Cook County Department of Public Aid, which operates the general assistance program under the guidelines established by the State of Illinois.

Chairman MCGOVERN. Dr. Brooks, the city operated a so-called voucher program last spring, and early summer, in May and June, under which people were given vouchers that they could turn in for emergency supplemental food, for nursing mothers, and for others. Do I understand that that program is no longer functioning in the city?

Dr. BROOKS. Let's be clear.

Again, the vouchers that you are talking about was this 38 days in which the city, through the Chicago Committee on Urban Opportunity, with money that had been funded by the Office of Economic Opportunity, did provide for 2 or 3 days of cash funds, disbursing funds along that line.

Because of the fact that there would have been a conflict in these programs, and that the Cook County Department of Public Aid says, "This is our responsibility to give emergency assistance under law," this program, as soon as they could be phased in on it—when we first took a look at it, they were not prepared to do it in the evenings and on Saturday and Sunday.

Now the program that relates to nursing mothers and infants is the program that—the pilot program that we would like to expand throughout the entire city, which has been funded in one community of Chicago by the Department of Agriculture; that is now in operation, and has been in operation now for a short time with the Cook County Department of Public Aid.

As I pointed out here, we did initiate this program. We brought the forces together in the city, and I want to say that we had the full cooperation of the Governor's office on this. We went to Washington together. We met with Secretary Hardin together, because it seemed to be the simplest way of getting the distribution system out there, and on the basis—and with the industry at this particular time—both sides of Congress, the Republican side and the Democratic side, had representatives when we met in the Secretary's office, and this program is there. Here is a question of getting more money, and I hope that you and Senator Percy might find ways of getting more money for this program, if it's possible, for the city of Chicago here.

Chairman MCGOVERN. Senator Percy.

Senator PERCY. Dr. Brooks, I am not always sure that just getting more money is the answer.

I think one of our purposes in being here is to see how the money has been spent in the past, to see whether it's administered properly, to see whether or not we could justify more money going into the same system.

I am not sure I understood the answer to Senator McGovern's very pertinent question. Do you know whether, under these emergency disaster food program, automatically the recipient, if they are on welfare, have the value of that food deducted from their next welfare checks so, in effect, they are really paying for it?

Dr. BROOKS. I can try to answer you, by saying that the person that has to answer that question is, respectfully, sir, is the State agency which administers the program.

Senator PERCY. In other words, do you or do you not know?

Dr. BROOKS. I only know what they have said in terms of the hearings.

Senator PERCY. What have they said?

Dr. BROOKS. They have said this is not necessarily so.

I have suggested——

Senator PERCY. My information is that it is necessarily so, and it's automatically done.

Dr. BROOKS. I would suggest that you ask this question of two people, of Mr. Swank from the State, and Mr. Dave Daniels of the county Department of Public Aid. They are responsible for the administration of those programs.

Senator PERCY. All right. As I understand it, your title is the Commissioner of the Chicago Department of Human Resources?

Dr. BROOKS. Yes, sir.

Senator PERCY. Can you then render an opinion, having responsibility for the people of Chicago who are hungry and impoverished, whether or not you feel that automatically the jurisdiction and authority that they have for deducting such amounts should be exercised in every case?

Dr. BROOKS. Well, I would say absolutely not. I have tried to make that perfectly clear——

Senator PERCY. Fine.

Dr. BROOKS (continuing. And no program that the city of Chicago administers will there be an automatic deduction from any——

Senator PERCY. That clarifies your position——

Dr. BROOKS. That's right.

Senator PERCY (continuing). And your recommendation.

Dr. BROOKS. And the city's position, that's correct.

Senator PERCY. Which I did not feel had been clarified before.

One of the problems that I have found in being in Washington, and coming back, is that so much of the money we authorize and appropriate—and I keep coming back to see where it goes—gets stuck up in the administrative layer up here, with people put on payrolls. [Applause.]

Senator PERCY (continuing). That we are having trouble seeing how much gets down to the poor.

A voice. Amen, brother.

Senator PERCY. Mr. Chairman, could we—I am going to ask the chairman to see that there is order kept in here.

Chairman MCGOVERN. We appreciate the applause, but we have—we do have to maintain order so that we can hear the questions, and hear the responses of our witnesses, so if our guests will kindly respect the rules of the committee, we will appreciate it.

Senator PERCY. Now, as I understand, the voucher program last May and June was administered by the city of Chicago?

Dr. BROOKS. It was administered by the Department of—the Committee on Urban Opportunity, which is a quasi-city and Federal agency, and the funds were provided by the Office of Economic Opportunity.

Senator PERCY. Right.

Dr. BROOKS. And the additional thing there was—I would like to say in that program there was no additional administrative cost charged to that program.

Certainly I agree with you, and one of the things in the funds that we will be administering here, as I said this morning, I do not want any administrative costs to come out of this $500,000 here. We would use whatever staff that we have already for the purpose of administering that program.

Senator PERCY. Well, now, what I am talking about is the fund established back in May and June.

What I would like to know is how much money was authorized, how much money went to the poor, and how much money remains unexpended, and how much money was spent to administer the program in May and June.

Dr. BROOKS. The administration of that program, to the best of my knowledge, there was not a penny spent—now, the Office of Economic Opportunity people, I believe, are here. Again, the money did not come to us. It went to the Chicago Committee on Urban Opportunity and of the amount of money that was expended, whatever that amount of money was at that particular time, as my understanding is, it went directly into the program for the voucher system, and no amount of administration was entered into that system at that particular time.

Senator PERCY. Senator McGovern.

Chairman MCGOVERN. Doctor Brooks, I have understood that you made a statement, or were quoted as stating that there is no substantial hunger in this city——

Dr. BROOKS. Not me.

Chairman MCGOVERN (continuing). But a potential hunger. Is that true or not?

Dr. BROOKS. No, I did not say that. I said that there were—and any person who would make that statement takes what I said out of context—I said there were 600,000 to 650,000 potentially hungry—that everyone receiving public assistance in the city of Chicago is potentially hungry.

It doesn't mean this, that this person, every single day, or that they may not have some other ways—some of them, I think one of the very, very interesting articles, has pointed out in this mornings newspapers that there can be different stages of this thing; in terms of that amount of people receiving public assistance, and everyone who is on an income on the level of persons receiving public assistance is potentially hungry in this community.

Chairman MCGOVERN. Well, I am not clear on that. Are they hungry or aren't they?

Dr. Brooks. They are getting assistance, but they are potentially hungry. Now, it can happen that through somebody else, that they can have some—some people can get some extra food or something of this particular type, but certainly if you were to define hunger in terms of the purchasing power of these people, that they certainly are below levels in which they can have an adequate diet and adequate food.

Chairman McGovern. You don't have any doubt, do you, Dr. Brooks, that there are substantial numbers——

Dr. Brooks. Of course not.

Chairman McGovern. There are hungry people in Chicago?

Dr. Brooks. I have said that time and again, that's right. I think that you may be referring to someone else, whoever made the comment there was no substantial hunger in Chicago—not me.

Chairman McGovern. What I was referring to was the use of the words "potential hunger." That seems to indicate it doesn't exist, it might occur.

Dr. Brooks. Not in my lexicon it does not.

Chairman McGovern. Pardon?

Dr. Brooks. Not in my lexicon, it does not. Potential to me means a person can be hungry today; they may not be hungry tomorrow, but they are potentially always hungry.

You know, you can get a full meal by coming to the Peoples Church, maybe, and you wouldn't be hungry at that time; but they are potentially hungry, in my lexicon, as I understand the definition of "potential."

Chairman McGovern. I find that difficult to understand?

Dr. Brooks. All right. Let's do this; say that it's possible they can always be hungry. I am not going to quibble about words here.

The fact of the matter is we are dealing with a population of some 600,000 to 650,000 people in terms of the measurements that we have, and the best measurement that you have is in the term of the fact that their income level is below the income level of which that any substantial—take the BLS levels are in Chicago, range somewhere in the neighborhood of $6,700 for a family of four.

Now, granted the fact that people receiving public assistance are getting free medical care, so take that out; you are talking about anyone who has an income lower than somewhere in the neighborhood of $5,400 to $5,500, is certainly of the class population we are talking about.

Chairman McGovern. Dr. Brooks, you made reference in your earlier statements to the Cook County emergency program, and had some good things to say about the operation of that program.

Have you personally looked at it and talked to the people that are participating?

Dr. Brooks. I have talked to some people that have participated in it.

I might say this, that there was, right from the beginning, a number of people that were very, very skeptical of the program being administered there.

The big problem involved was that they feel, and they have the funds—they feel that this is their responsibility.

Now, when this is supported by law, it's supported by the Governor—as I said in the last part, we are the only jurisdiction in the State of Illinois that can't even spend that $13 million directly on this program here.

Chairman McGovern. I wonder, Dr. Brooks, one final question, if you could explain to us just briefly the operation, or the outline of the mayor's proposal on the $500,000 food program; what does that envision? Could you describe that for us?

Dr. Brooks. This was in answer to a number of hearings which resulted at the city council, in which there was a request by community groups and others that something ought to be done on a citywide level of actually establishing places where people can come and get something to eat.

We are starting out with at least 12 to 14 installations of where people can come and get a hot meal if they are hungry at that particular time. This does not preclude any of the other programs.

The emergency program, for instance, to the Cook County Department of Public Aid—or any program along that line—but this was a request that came out of the hearings at the city council there.

Chairman McGovern. Senator Percy.

Senator Percy. Dr. Brooks, concerning this $500,000 program of the city, I mentioned that there were 200,000 malnourished children alone, not to mention middle-aged and elderly; if you just took it for children alone, divided the 200,000 children, into $500,000, that is $2.50 a year.

Dr. Brooks. Aren't you expecting——

Senator Percy. Is that adequate?

Dr. Brooks. Well, of course not—and aren't you expecting, Senator, that these youngsters—you see you have got here a proliferation of programs. We talk about giving the youngsters a hot meal in the schools, and, of course, we are talking about that this ought to—and we have both the legislation in Illinois and the Federal legislation of the Department of Agriculture there, that this program, we can't take these out of context, and I don't think that we can belittle the efforts of the city to begin to make a start in this particular direction.

Now, right now we are waiting—I hope that maybe something could be done about this—the Chicago Committee on Urban Opportunity has a request right now before the regional Office of Economic Opportunity for an additional $500,000 to put into this particular kitty; Model Cities is prepared to back up this amount of money here.

The Chicago Committee on Urban Opportunity has been hopeful that it would have available this week this $500,000 from the Office of Economic Opportunity. It hasn't been forthcoming yet, and we are saying to them, go ahead with your aspect of the program. We hope that this other money will be there, but don't stop. Whatever we can do in terms of feeding here, that we will do.

There certainly has to be—my own feelings for this, as I pointed out, would be—and I am in agreement with you, that with what you have here, and I hope that you gentlemen from Washington can help us straighten this out, that you get the complete proliferation of different kinds of programs administered by all kinds of departments down there, that as they begin to flow through, it takes experts even to figure out where you can go to get funds for X program.

At one time we may have as many as 10 different Federal agencies or division of Federal agencies filtering funds in for certain aspects of a program. I agree with you, that I would hope that the Senate and the Congress would say, "Okay, here is x amount of dollars flowing into a community. How can it be used most effectively, and under what organized and integrated system can it be used?"

That the funds flow for the supplying of food for the children from the Department of Agriculture to the State, and then to the school board, along this line.

The only influence we can have on that is what we have exerted, and that is the influence of a moral situation, and calling them in as we did last spring, and saying we must have a program that will feed more children, and then our support through the whole legislative function of the kind of legislation like the Perkins bill and others that we can do it, but certainly I would hope that one of the problems that might come out of this committee, and the results of this committee, is the untangling of a whole mass of different kinds of things flowing.

You take HEW alone—I think the book is this thick (indicating) about the amount of programs which are available which need to come down the horn.

Senator PERCY. Well, Dr. Brooks, I am sympathetic with the problems of the overlapping jurisdictions and bureaucracy; that is our problem. That is not the problem of the hungry, and they can't sit around and wait——

Dr. BROOKS. I agree with you.

Senator PERCY (continuing). While they are hungry until we solve our problems.

Dr. BROOKS. I agree.

Senator PERCY. I am working as a member of the Government Operations Committee on Legislation which we are ready to introduce into the Senate to simplify any overlapping jurisdiction and have one lead agency that will take on other responsibilities.

Dr. BROOKS. Whatever help we can do on giving you the facts, we will do it.

Senator PERCY. As I assume it, the mayor, when he set up a commission on human resources, he tried to do that, tried to put one man in charge of the human resources, just like he got someone else building highways and parks and public buildings. You have the human resources.

Now, I have always found you never can get anyplace unless you know what your goal is, and if you know what the goal is, you may not achieve it, but you don't achieve it, as they say, with a handful of mud.

Now, what is in your judgment the total amount of money that is going to be required to close the hunger gap in Chicago? How many dollars a year do we need, regardless of where they come from? How much do we need to close the hunger gap and not have hunger in the city of Chicago anymore?

Dr. BROOKS. I would say an additional—you are putting in at the present time approximately, that is, from one source or another, about $150 million is going into one kind of program or another.

Senator Percy. That is what is going in at the present time?

Dr. Brooks. That's right. Now, I would say an additional——

Senator Percy. We still have hungry people.

Dr. Brooks. That's right. I would say an additional $300 million, as we see it in terms of dollars, in terms of existing dollars, not taking into account inflation and all of this, would do an immeasurable kind of thing.

Senator Percy. $300 million?

Dr. Brooks. Correct.

Senator Percy. Is needed here in the city of Chicago?

Dr. Brooks. Correct. You are spending a lot of money, about $150 million, right now if you took an approximate amount of the food budget on public assistance alone. This has nothing to do with the food stamp programs and those programs along the line. You have approximately $100 million in cash going into—you must remember in Cook County alone right now you are talking upwards of $275 million to $300 million going into public assistance.

Senator Percy. You make Rev. Jesse Jackson's estimates, which I thought were not on the miserly side, look very modest.

Dr. Brooks. You have to be realistic, and I think the problem is we don't in this society turn around and say, "We will use half measures."

Senator Percy. Do you think the city of Chicago's share of that amount, of half a million dollars, is a fair share to come from the city council?

Dr. Brooks. I would say this, that the city council in its deliberations, at least as I understand them, said this was a beginning.

I think that what is needed here again is to see what other sources have, then for us to go back with these different programs, and to make whatever recommendations.

Again, the big problem involved here is a kind of tax structure, where the sources can come from funds.

If it has to come primarily from the real estate taxes—and that is the only tax it can come from; if this is the source of it, you have a revolution in other sections of the community on this thing, so all of this, Senator, it would seem to me needs to be considered by the legislative bodies of both the cities and the State as well as the Federal Government.

Senator Percy. As I understand it, there is $193,000 of unspent money in OEO grants. Where is that money, and why hasn't it been spent to feed hungry people, the purpose for which it was appropriated?

Dr. Brooks. I'm merely saying to you at the present time the Chicago Committee on Urban Opportunity has before OEO $500,000 which will take into account the money that had not been spent at this particular time, and that as yet has not gotten returns.

I hope that you may help us look into that. That is ready to start tomorrow.

Senator Percy. What I am thinking about was the money that was already authorized in a grant to the city of Chicago, $193,000, which is sitting someplace that hasn't been spent.

Dr. Brooks. All I know about this is it did not come to us.

One thing, right now we can't get the money. If we could get the money, they can move. Whether or not that is part of this money they are asking for at the present time in terms of the program—but I think again, the justification, as I understand it, the city itself has put up this almost—if you recall, Senator, the thrust of the original OEO legislation, where they hope to achieve a 50-percent balance, you remember in the second and third and fourth years of it, that never occurred, I think, because of other jurisdictions. It only got up to 20 percent, but in this one right now, we are in a position of achieving that balance of 50 percent, with the city $500,000, if we can get quick movement on the other $500,000 from OEO.

I know that this is not a hangup in terms of—I want to say from my own personal experience, and experience of others, the dedication of the regional staff of OEO to attempt to work out these problems, has ever been present. I don't want you to think this is a criticism of them.

Senator PERCY. My last question. We know how sizable the budgets are in the city for public works, for roads and highways, and so forth. What is the budget for the total Department of Human Resources, which you administer?

Dr. BROOKS. Very small.

Senator PERCY. It is what?

Dr. BROOKS. It is a relatively small budget.

Senator PERCY. What is the dollar figure?

Dr. BROOKS. The dollar figure of the budget would be around $4.8 million dollars at this present time.

Now, as I say, this was done because—this was a consolidation of a number of departments. It does not take into account any of the grants that can come and should be coming to the department, as they are in New York, under Federal sponsorship. It does not take into account that.

Senator PERCY. What is holding this process up?

Dr. BROOKS. As a matter of fact, the—Chicago here has not consolidated. In the Chicago Committee on Urban Opportunity its grants of some $40 to $50 million dollars are being held separately at the present time, and there is a cooperative relationship, but not an administrative relationship between these two agencies.

Senator PERCY. Well, it seems to me that everything I have heard about government that it is snarled up in red tape and bureaucracy and administrative expenses—has been revealed in your own testimony, the testimony of a man who is sort of frustrated with the responsibility he has without some of the resources to work with, and I hope we can find a way.

I know the Federal Government contributes to this. We have had programs on programs piled in here, and I still am the most frustrated man you can imagine when I don't see the money getting down to those we intend it for.

Dr. BROOKS. Right.

Senator PERCY. We are not administrators. We are legislators. Yet I have got to constantly come back and try to find out why Cook County Hospital isn't delivering the health services when the Federal and State Governments are paying two-thirds of the cost.

Dr. BROOKS. Again, as I say, I think that here the movement in this direction, you see, has been different than it has been in most local communities.

Again let me say that up until this $500,000 for direct administrational programs, the source that we can have has been in the direction of trying to see that a number of the other agencies who are being funded directly, schools, public aid, and all of these agencies, did something in some kind of a coordinated effort.

I want to say, and I don't want to be misunderstood, we have had from the separate agencies considerable cooperation. I do think the schools have made a real honest effort, as an example, to move up the level of feeding the youngsters.

One of the problems is breakfasts. We are doing one other thing there in a number of what we call COPA schools, and for breakfast, morning breakfast there the Federal Government allows 15 cents for it. It takes more than that to do it.

Out of the Model Cities money we are in the COPA schools, in the Model Cities area, there is $700,000 more so that the schools will have the money for full breakfast cost, and let me go on record as saying this: I think that every kid ought to be fed, and the schools in these underprivileged areas, I don't think we should talk about levels of income along this particular line, because when a community has an average income of less than the norm, you can bet your bottom dollar that a good percentage of those kids need what we are talking about.

Chairman McGovern. Thank you for your testimony, Dr. Brooks.

I might just say the $300 million figure that you have suggested for Chicago represents about half of the total national food stamp program at the present time.

Dr. Brooks. Senator, I know it does, and in addition to it, I think that we just have to face up with the problem that these human problems here are of considerable importance, and unless solved that they can have a delineating effect upon the development of this entire Nation.

Chairman McGovern. Thank you very much.

Our next witness is Reverend Jesse Jackson.

Reverend Jesse Jackson is the National Director of Operation Breadbasket of the Southern Christian Leadership Conference, and he will be accompanied by Mr. Charles Geary of the Uptown Peoples Planning Coalition.

Senator Percy. Mr. Chairman I think we should make note that I remember from my military days the sign, "Kilroy was here." It seems like the S.C.L.C. has been here (indicating) as we see.

I think we ought to mark also the new honor bestowed upon our citizen, that Reverend Jackson has been made a vice president of S.C.L.C., and we congratulate you.

Reverend Jackson. Thank you very much.

STATEMENT OF REVEREND JESSE L. JACKSON, VICE PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, ACCOMPANIED BY REV. CHARLES GEARY

Reverend Jackson. Mr. Chairman, my report, as typed and submitted, is incomplete to the extent that there are persons who are involved present, whose welfare check, for example, have been affected by the emergency food allowance, and so forth, here, and they would represent the fulfillment of the completion of my report.

To that extent, I would hope that you would allow them to be a part of this because it is part of my testimony.

Chairman McGOVERN. You may proceed in any way you wish, Reverend Jackson.

(Statement of Rev. Jesse L. Jackson follows:)

PREPARED STATEMENT OF THE REVEREND JESSE L. JACKSON

INTRODUCTION

Gentlemen of the committee, over 1005 days after the opening of the Poor People's campaign and 340 days this side of the beginning trek in the Illinois hunger battle 629 thousand families of men, women and children are still hungry in Illinois. Illinois the third wealthiest state has the fourth largest concentration of hunger families in the nation. In this, one of the wealthiest cities of the world; a city whose Gross Adjusted Product is greater than the Gross National Product of all but 20 nations, some 600 thousand people bargain for their daily lives with the grimmest of realities, namely hunger.

The hungry speak and plead . . . cry and beg. But they are not fed. Rather public officials, with sacred responsibilities, and obligated by solemn oath to care for the welfare and wageless population as well as the waged and well off, choose to filibuster about the condition of the hungry and engage in technical table tennis games over the definition of the problem of hunger and malnutrition.

We don't propose today to argue whether there is hunger or not. We urge this committee, to see the consequences of not feeding the hungry before it is too late.

We wish to acknowledge and thank Senators McGovern and Percy for their work in bringing the attention of the committee to the atrophy of poverty and hunger in this city and in Cook County.

Hunger, the most racially integrated institution in America, is still the most pervasive separator of man known—the fact that hunger is racially integrated does not make it less painful. In fact it is more painful and more severe in its destruction of human potential. When we first made our hunger trek our count indicated perhaps 58 thousand families in Chicago with an additional 28 thousand in Cook County outside of the city.

But we did not, at that time, know that a U.S. Department of Commerce study showed only 38% of those eligible for public assistance, received it—or that some 110,000 families should be counted as Hunger families in this city alone. If Hunger is a 51st state in this nation . . . it is certainly a second city, or more accurately a pathetic and tragic fifth column in this citadel of alienation and despair.

A few weeks ago, we went to the city council to plead for funds to conduct a hunger program. The city's answer was a semi-widow's mite which constituted 1/80th of the city's budget and less than 1.2% of the amount that we requested.

$500,000 is not a hunger budget . . . it is a big burden passed off as a benefit for hungry people. It is not an appropriation . . . nor is it appropriate to the task of battling the problem of hunger. It is at best a symbol of the city's belated admission that there is in fact hunger in Chicago and the city has the responsibility to deal with it. Today, Gentlemen of the Senate Committee, we bring our case to you. We don't have any other ears or any other advocate at the center of the nation's government.

We've come because we see this committee as a lobby for the poor deprived of this nation.

We've come because we believe that you take these, Americas' little ones seriously as a constituency . . . and not merely as wards of our society.

Remember nothing they did created hunger in America, or in Illinois. They did not write our defense budget . . . or make one decision at the Federal Reserve Board instituting tight money policies. The fact that the nation's economic slump is graver than at any period (as of March 31) since 1960 is not their fault.

The high interest rates scaled by gigantic financial institutions—that barter away the possibility of homes and hopes for them—and erases the jobs and joy they are entitled to, is not of their making. Others exist in a dubious (to be sure) prosperity . . . but they subsist in a dessert of poverty and inequity. They have eaten promises . . . and have gotten indigestion. They are here to tell you of the substance of that discomfort and to warn you before it becomes too acute, that hunger hurts.

Some among the news media have been kind enough to call those of us in this Movement Catalysts. But if men and women are to become caricatures of their true selves while we serve as catalysts . . . we shall be in danger of fostering confusion. In other words the Hungry cannot wait any longer.

They cannot wait for food or for fulfillment; they must eat and they must have meaningful lives.

The President's chief Economic Adviser, the recently appointed chairman of the Federal Reserve Board, Arthur Burns has stated that the nation should have a $7 billion dollar surplus.

Reliable authorities have presented a plan to the House Banking and Currency Committee disclosing how $7 billion could be used to alleviate much of the nation's poverty.

For those 1.2 million families with incomes averaging $327 per year, over 5,068 could be added to their income . . . for those under $3,000 over $1,000 could be added to their livelihoods.

But nothing changes for the poor and hungry—only the dates on the calendar.

Yet we have not hesitated to permit 7,795 farmers in 1969 to receive $25,000 or more not to farm. This was $93,333,643 more than was spent on these subsidies in 1968.

The poor pay more. For in many stores in poverty communities the price of goods is 11 to 15% above fair trade prices. Moreover, the poor pay a class tax imposed in the form of bad meat, ill smelling and rotten produce and filthy unkempt grocery facilities. It is still a fact that in many areas the prices of goods increases during those days when large numbers of public assistance checks are expencted, in a given neighborhood.

In spite of policy statements supplemented by massive complaints from the Department of Public Aid, many retail outlets and a number of stores openly victimize the poor by bidding for their tattered dollars and dimes with blatant advertising concerning their willingness to accept ADC or other public aid checks and clients.

Today in Chicago, the income of those in the Hunger ghetto is $3300 less than the city averages. These communities contain, or more exactly, imprison 61% of the city's unemployed, 44% of the adults with low educational levels; 79% of the substandard housing is located there. They also include over 75% of the 150,000 socially and politically inanimate human ciphers who live from hand to mouth and from hunger cramp to hunger cramp . . . in the city's public housing compounds.

These people may live within blocks of the finest medical centers in the world but seldom are they treated there save in the direst emergency or for purposes of research.

Seven hospitals, five of them research institutes, one of them, Cook County Hospital and the other a sparsely equipped black hospital, care for 4/5ths of the black patient load in the Chicago area. Cook County takes over half of that load and finds 86% of its bed space filled by black patients.

There is one community, a vast wasteland of blight and decay where median income is a full $4200 below that of the city's and this 4200 must be seen in view of its being higher than the median income of the community.

These are not figures alone, but are failures . . . they are not statistics alone but stumbling stones not alone to those who must negotiate them but to the total city at large.

The city's Gross Adjusted Product can be measured at $45.6 billion but its Gross Adjusted Poverty, is the incalcuable cost of human waste offered up to an inhuman slag heap in the hunger jungle of the metropolis.

The fact that some stuff while others starve may be interpreted by some as the coexistence of the hungry an dthe well fed . . . but it is more appropriately cited as a conspiracy of hunger and public policy fostered by those who refuse to execute their duty to care for the welfare of the weakest links of society's chain.

We must assert that there is an illicit relationship between hunger and public policy until there is evidence of intent and purpose to enact programs that will meet the hunger crisis. . . .

Programs that in fact aid the needy instead of pampering the greedy.

Gentlemen: Animals in our zoos eat—Lions, Tigers and Jaguars are alloted as much as 15-25 lbs. of meat per day. Livestock in our stock yards are abundantly fed, on schedule. The upkeep of a pet gorilla kept at the Brookfield Zoo was reported to be $27.50 per day—while the meal allowance of an ADC mother as 27¢ per/meal per person and for an Old Age recipient considerably less.

Only Friday evening we received the intelligence that aged persons receiving Social Security had been granted an increase of money bringing their combined family checks up to $230 per month for two people. With that announcement also came the decree that they would be deprived of food stamps. This is not only ludicrous, it is tragic. Especially is this so when we stop to note that the agricultural export income of this state could provide an additional one thousand dollars for each hunger family in Illinois. Thus, while the poor digest promises and ingest deprivations and despair, while they eat in frustration and swallow in hopelessness the city continues to fiddle with their destinies and with their very lives.

FEDERAL GOVERNMENT MUST TAKE AGGRESSIVE AFFIRMATIVE ACTION

Eating needs to be declared a civil right with moral meaning. Perhaps, the Federal Government needs to apply standards similar to those which it uses with reference to government contract compliance: If a city or municipality fails to provide programs for feeding its hungry or provides inadequate programs for feeding them, it should be denied federal funds for other programs. Moreover the government should seek to contract food service programs out to private organizations that agree to develop adequate standards for full scale meaningful programs to feed people on a systematic basis. The truth is ladies and gentlemen, that the agricultural policies of this nation and of this state have thrown food producers in conflict with food consumers at the point of the middle man and thrown producers into absolute odds with those who need food most, namely the hungry.

This makes a mockery of the abundant food supply available for it is now possible for a farmer to feed singlehandedly, over 43 people.

Poverty becomes a graver cruelty when invisible "Mister-in-Between" determines who will eat and who will not eat.

We are now experiencing a period of economic recession, brought on by "overkill" methods of dealing with inflation. This recession at the top—as seen in the significant drop in industrial output by late Feb. and early March and a substantial increase in unemployment rivalling the lowest point of 1960—creates a deflation and indeed depression at the bottom.

We are stating—and hope it is unmistakably clear, that "during" a period of economic inflation, no government regardless of its budget can act as Pilate and attempt to remain personally innocent in the midst of pervasive collective guilt. Pilate washed his hands but the result was to rub the blood in not wash it out. That essentially is the position of the administration in the present crisis. We challenge government at all levels to deal with this matter of eliminating hunger. In Chicago, we find hunger has become a magnificent election year football, being tossed from city to county to state to federal officials. This reluctance to initiate massive feeding efforts of the sort needed to alleviate the hunger of six-hundred thousand hungry citizens constitutes a conspiracy between hunger and public policy, a conspiracy that is an illicit relationship.

This State is on welfare at the rate of $1,171 billion from the Federal Government.

We believe that government moves best from the bottom up, or in a vertical direction. Therefore, we insist the cities should show the way. As lawful taxing districts, cities have the duty and freedom to levy taxes—but they also have the responsibility to serve people. In this city—through collusion with the County Assessor's office—we find individual homeowners carrying a tremendous burden. Large corporations are left free to make fat profits and elude their fair share of taxes which are necessary to an equitable distribution of wealth.

When we look at the poor and hungry, we find a disenfranchised mass of six-hundred thousand citizens in this city over 2 million in the state, being taxed without representation at any level.

We again assert that the city must begin. Chicago cannot expect the state or federal governments to do for it what it is unwilling to do for itself.

Yet we are not singling out Chicago as the sole level of government with responsibility in this matter. The state and federal governments have respectively much broader taxing powers; we maintain their duty to serve hungry people should grow as their capacity expands.

Reverend JACKSON. On behalf of those of us who have been involved in the freedom programs and the hunger protests, we would like to thank you as chairman of the committee for responding to our request and that of others to come here to highlight this crisis by exposing it to some more people.

I would like to thank Senator Percy, our Senator, for being decent enough and moral enough to stand up for this unpopular cause—and it is not a very popular cause, even though it is very tragic.

To vote against this cause is to vote for judicial malnutrition, and to support this committee is to vote for nutrition. We want to thank you for being consistent.

To that extent, we feel somewhat represented here today politically.

As a preamble to what I have submitted, I would like to state to you what we have attempted to do with our witnesses here, persons who have been involved.

We have Reverend Geary from Uptown Peoples Planning Coalition, who is white; Peggy Smith Martin, representing the senior citizens, who is black; Ray Hansen who is white and unemployed; Irene Hutchinson, who is Indian, white Indian, hybrid, and all that; Stella Rivers, black, welfare recipient; Kathleen Jackson, who is black; Pauline Love; and Mrs. Hattie Fifer, senior citizens.

Part of our experience has been that hunger is a chronic disease that knows no color line, nor age line. To that extent we thought it would just be consistent for you to see the beds of persons, and when you will have concluded this part of the testimony, at lunch time there will be a food giveaway, such as the ones we have been conducting, just around the corner from here, and for lunch we would invite you to attend with us if you would be kind enough to do so.

Our urban crisis, as we see it——

Chairman MCGOVERN. Reverend Jackson, we will accept the invitation to be with you this noon.

Reverend JACKSON. Thank you very much.

As we see it, our urban crisis and the national crisis grows out of irresponsible urban and national leadership.

The tragedy is not lack of resources; it is the improper distribution of the resources already present.

Our City budget, for example, is an indictment upon the sound moral value system. We have approximately $842 million city budget, and 32 percent of that budget, about $271 million, is for protection to persons using the property of the rich, the police and firemen.

The street department is 15.2 percent of this budget. That is $128 million for the sanitation department; public highways, almost 11 percent of the budget, and $90 million.

Pension for city employees, a mere 5.1 percent.

For health and welfare only $44 million, or 5.3 percent.

The department of human resources, grossly neglected, is a department with only about 4.3 million dollars in an $842 million budget.

The library, which is a restricted fund, has about 1.9 percent of the budget. The public service utilities, $87 million. The general city budget, $43.8 million, which is mostly for salaries, and, of course, the debt services, which is also a fixed situation.

We have attempted to do something new here in terms of challenging this to be the first city to significantly take what we call a three-step program.

First: to not play political football with hunger, and for Democrats and Republicans, partisan and nonpartisan, to make an unequivocal commitment, which is to repent and admit there is hunger, and not to be defensive in the city of Chicago.

We have 11 Congressmen; we have 63 State senatorial districts, and 63 State Representatives, and if there were an out-and-out commitment by the City Council of Chicago, these 11 Congressmen could not escape involvement.

The two U.S. Senators would not escape involvement, and our State legislative posts would be involved by definition, and there will be one mass of nonpolitical, but moral participation in eradicating this particular problem.

This is the challenge that we have put before the city structure here in the city of Chicago.

In that allocation we have also challenged the city as we try to eradicate hunger at many levels, if there is a $4 million budget that this money should be in the small struggling black stores, that the product used in the feeding program, the milk, the orange juice, or the other foodstuffs should come from the small struggling black stores so you would have a kind of simultaneous development.

We also recommend a ceiling, a ceiling that dealt with the decent standing of living for the persons running this program and not $25,000 and $30,000 salaries just to distribute food to the poor, and which time we recommend that the persons running this program, their salaries ought to be a maximum of $12,000, which is a decent standard of living, and that the persons who have been feeding about 5,000 weekly on welfare free be given $5,200 a year, which they have already proven they can run th program on. It would bring them off of the welfare, and the program would be operating efficiently for less money, and the people who obviously have experience to run the program.

These are the kinds of recommendations that we have made so far.

We would like to submit for the record the ordinance on hunger which, out of their modest report in the director of human resources, says we need about $300 million. We submitted an ordinance which would be the first of its kind in the Nation that asks for 5 percent of the city budget, which would be about $35 million. It is very difficult for me to understand those who would not support a request for $35 million, and would support one for $500,000, or half a million, and then support the fact that we need $300 million. I cannot reconcile those contradictory statements, and I think that the last point, before going into the official testimony, is that it is, in some sense, cruel that Dr. Brooks, who is an expert in the field, who has proven himself to be concerned, would be trapped down here into testifying on a situation that he didn't create, and does not have the money to eradicate.

The fact is the mayor should be down here testifying for himself.

Dr. Brooks cannot challenge the finance committee, who will, on one day, appropriate, as it were, a half a million, and the next day vote to build a $39 million parking lot at O'Hare Airport.

Dr. Brooks has nothing to do with that, and I think the blame ought to be put at the proper place.

Over 1,005 days after the opening of the poor peoples campaign, and 340 days this side of the beginning trek in the Illinois hunger battle, 629,000 families of men, women and children are still hungry in Illinois—and surely, during the period of inflation, this figure must be rising.

Illinois, the third wealthiest State, has the fourth largest concentration of hunger families in the Nation. In this, one of the wealthiest cities of the world; a city whose gross adjusted product is greater than the gross national product of all but 20 nations, some 600,000 people bargain for their daily lives with the grimest of realities—namely, hunger.

The hungry speak and plead, cry and beg; but they are not fed. Rather, public officials with sacred responsibilities, and obligated by solemn oath to care for the welfare and wageless population, as well as the waged and well-off, choose to filibuster about the condition of the hungry and engage in technical table tennis games over the definition of the problem of hunger and malnutrition.

We don't propose today to argue whether there is hunger or not. We urge this committee to see the consequences of not feeding the hungry before it is too late.

It will cost this Nation at least twice as much not to feed the hungry as it will to feed the hungry.

Chairman McGOVERN. In that connection, let me say that the Budget Bureau has done a study that shows that it is even more costly than that—the cost to this country just in dollars alone, laying aside the human cost, of permitting malnutrition to exist, is about three and a half times as much as it would cost us to put an end to hunger, put an end to malnutrition, so even on a dollar-and-cent standpoint, the estimate is certainly not exaggerated.

Reverend JACKSON. Thank you very much.

We wish to acknowledge and to thank you and Senator Percy for bringing the attention of this committee to Cook County, and again we have invited you here not to embarrass anybody, but to challenge everybody to do what no one has been moral and decent enough historically to do in this Nation.

Hunger, the most racially integrated institution in America, is still the most pervasive separator of man known—the fact that hunger is racially integrated does not make it less painful.

In fact, it is more painful and more severe in its destruction of human potential.

When we first made our hunger trek, our count indicated perhaps 58,000 families in Chicago with an additional 28,000 in Cook County outside of the city. But we did not, at that time, know that a U.S. Department of Commerce study showed only 38 percent of those eligible for public assistance received it—only 38 percent eligible received it—or less than 110,000 families should be counted as hunger families in this city alone.

If hunger is a 51st state in this Nation, it is certainly a second city —or more accurately, a pathetic and tragic fifth column in this citadel of alienation and despair.

A few weeks ago we went to the city council to plead for funds to conduct a hunger program. The city's answer was a semiwidow's mite which constituted one-eightieth of the city's budget, and less than 1.2 percent of the amount that we requested.

I submit that a city that is one-eightieth committed to eliminating hunger does not represent the theory of democracy. Indeed, it is a house of un-American activity, a city council that would make this kind of decision.

$500,000 is not a hunger budget. It is a big burden passed off as a benefit for hungry people. It is not an appropriation, nor is it appropriate to the task of battling the problem of hunger.

As the chairman of the department just indicated, as opposed to a half million, we perhaps need $300 million, and I would hope that this would be a part of the public record.

It is, at best, a symbol of the city's belated admission that there is in fact hunger in Chicago, and the city has the responsibility to deal with it.

Today, gentlemen of the Senate committee, we bring our case to you. We don't have any other ears or any other advocates at the center of the Nation's Government.

We have come because we see this committee as a lobby for the poor deprived of this Nation.

We have come because we believe that you take these, America's little ones seriously as a constituency—and not merely as wards of our society.

Remember, nothing they did created hunger in America, or in Illinois. I urge you to look around me; you see blacks, whites, Indians, old, young, male and female; none of the persons sitting around this table made one decision at the Federal Reserve Board instituting tight money policies.

The fact that the Nation's economic slumber is graver than at any period, as of March 31, since 1960, is not their fault.

The high-interest rates sealed by gigantic financial institutions that barter away the possibility of homes and hopes for them, and erases the jobs and joys they are entitled to, is not of their making.

Others exist in a dubious, to be sure, prosperity; but they subsist in a desert of poverty and inequity. They have eaten promises, and have gotten indigestion. They are here to tell you of the substance of that discomfort, and to warn you before it becomes too acute, that hunger hurts.

For a long time we simply said that hunger is a hurting thing. It now becomes amazingly clear that hunger is also a political thing.

Some among the news media have been kind enough to call those of us in this movement catalysts. But if men and women are to become caricatures of their true selves while we stood as catalysts, we shall be in danger of fostering confusion. In other words, the hungry cannot wait any longer. They cannot wait for food or for fulfillment; they must eat, and they must have meaningful lives.

The President's chief economic adviser, the recently appointed chairman of the Federal Reserve Board, Arthur Burns, has stated that the Nation should have a $7 billion surplus.

Reliable authorities have presented a plan to the House Banking and Currency Committee disclosing how $7 billion could be used to alleviate much of the Nation's poverty.

For those 1.2 million families with incomes averaging $327 per year, over $5,068 could be added to their income. For those under $3,000, over $1,000 could be added to their livelihood.

But nothing changes for the poor and hungry—only the dates on the calendar.

Yet we have not hesitated to permit 7,795 farmers in 1969 to receive $25,000 or more not to farm. This was $93,333,643 more than was spent on these subsidies in 1968.

The poor pay more. For in many stores in poverty communities the price of goods is 11 to 15 percent above fair-trade prices. Moreover, the poor pay a class tax imposed in the form of bad meat, ill-smelling and rotten produce, and filthy unkempt grocery facilities. It is still a fact that in many areas the prices of goods increase during those days when large numbers of public assistance checks are expected in a given neighborhood.

I want to repeat that: In poverty-stricken areas listed as model city areas, that we have shown that on days when the welfare checks are expected, that the prices on foods that they are restricted to buy actually goes up—and yet this is not considered illegal—and if so, nobody has been arrested, even though half of our city budget merely goes to the protection of people—which people is the question.

In spite of policy statements supplemented by massive complaints from the Department of Public Aid, many retail outlets and a number of stores openly victimize the poor by bidding for their tattered dollars and dimes with blatant advertising concerning their willingness to accept ADC or other public-aid checks and clients.

Today in Chicago the income of those in the hunger ghetto is $3,300 less than the city averages. These communities contain, or more exactly, imprison 61 percent of the city's unemployed; 44 percent of the adults with low educational levels; 79 percent of the substandard housing is located there. They also include over 75 percent of the 150,000 socially and politically inanimate human ciphers who live from hand to mouth and from hunger cramp to hunger cramp in the city's public housing compounds.

Needless to say, there is some level of tyranny here involved, and we found there are more than 400,000 unregistered blacks in the city of Chicago, which is more than the State of Mississippi.

Needless to say, this is an indication of a political conspiracy of a sort, which means that these people are taxed and they are not represented.

Our Government defines tyranny as taxation without representation. There may very well be some direct correlation between the political tyranny and the malnutrition.

These people may live within blocks of the finest medical centers in the world, but seldom are they treated there, save in the direst emergency, or for purposes of research.

This is most clearly indicated as in the Kenwood-Oakland area, and the Woodlawn area, right in the Midway, the Billings Hospital, and the University of Chicago Hospital complex—one of the largest, and one of the most efficient in the world—and yet these are the areas of highest concentration of persons with bad health.

Seven hospitals—five of them research institutes, one of them, Cook County Hospital, and the other a sparsely equipped black hospital, care for four-fifths of the black patient load in the Chicago area.

Cook County takes over half of that load and finds 86 percent of its bed space filled by black patients.

There is one community, a vast wasteland of blight and decay where median income is a full $4,200 below that of the city's, and this $4,200 must be seen in view of its being higher than the median income of the community.

These are not figures alone—they are failures.

They are not statistics alone, but stumbling stones not alone to those who must negotiate them, but to the total city at large.

The city's gross adjusted product can be measured at $45.6 billion, but its gross adjusted poverty is the incalculable loss of human waste offered up to an inhuman slag heap in the hunger jungles of the metropolis.

The fact that some stuff while others starve may be interpreted by some as the coexistence of the hungry and the well fed—but it is more appropriately cited as a conspiracy of hunger and public policy fostered by those who refuse to execute their duty to care for the welfare of the weakest links of societies chain.

We must assert that there is an illicit relationship between hunger and public policy until there is evidence of intent and purpose to enact programs that will meet the hunger crisis.

Programs that in fact aid the needy instead of pampering the greedy. Gentlemen, animals in our zoos eat—lions, tigers, and jaguars—are allotted as much as 15 to 25 pounds of meat per day. Livestock in our stockyards are abundantly fed, on schedule.

The upkeep of a pet gorilla kept at the Brookfield Zoo was reported to be $27.50 per day—while the meal allowance of an ADC mother is 27 cents per meal—and while the allocation to a client in jail is 38 cents per meal.

Now, maybe I need to repeat that: Animals in our zoos, to entertain people, eat—lions, tigers, and jaguars—are allotted as much as 15 to 25 pounds of meat per day—and it is not rotten meat.

Livestock in our stockyards are abundantly fed on schedule, even during the period of inflation—and they are not given means tests. I am talking about the animals in the zoo.

The upkeep of a pet gorilla—we can take you to see him today in his abundant health, and his lucky self—the upkeep of a pet gorilla at the Brookfield Zoo was reported to be $27.50 per day, while the meal allowance of an ADC mother is 27 cents per meal, and clients or prisoners in jail, 38 cents per meal.

Only Friday evening we received the intelligence that aged persons receiving social security had been granted an increase of money bringing their combined family checks up to $230 per month for two people.

But with that announcement also came the decree that they would be deprived of food stamps. This is not only ludicrous, it is tragic—especially is this so when we stop to note that the agricultural export income of this State could provide an additional $1,000 for each hunger family in Illinois. Thus, while the poor digest promises and injest deprivations and despair; while they eat in frustrations and swallow in hopelessness; the city continues to fiddle with their destinies and with their very lives.

The Federal Government must take aggressive affirmative action.

Eating needs to be declared a civil right with moral meaning. Perhaps the Federal Government needs to apply standards similar to those which it uses with reference to Government contracts compliance; if a city or municipality fails to provide programs for feeding its hungry, or provides inadequate programs for feeding them, it should be denied Federal funds for other programs. I hope that is clear.

Moreover, the Government should seek to contract food-service programs out to private organizations that agree to develop adequate standards for full-scale meaningful programs to feed people on a systematic basis.

The truth is, gentlemen, we cannot accept any excuses on why the poor are not found to be fed.

The poor are found when they need to be taxed; the poor are found when their children are drafted to fight in these senseless wars—and yet their parents cannot be found to be fed.

Now they can be found when they have been put out of their houses, but they cannot be found when they need to be fed. We know unless there are some serious stealing going on during the period of inflation, 27 cents per meal, by definition, is a state of hunger and malnutrition, and one need not develop the body form of a Biafran starving child to be starving in America.

The truth is that the agricultural policies of this Nation and of this State have thrown food producers in conflict with food consumers at the point of the middleman, and thrown producers into absolute odds with those who need food most—namely, the hungry.

This makes a mockery of the abundant food supply available, for it is now possible for a farmer to feed singlehandedly over 43 people.

We are now experiencing a period of economic recession for the rich, brought on by over-kill methods of dealing with inflation.

This recession at the top, as seen in the significant drop in industrial output by late February and early March, and a substantial increase in unemployment rivaling the lowest point in 1960, creates a deflation and indeed depression at the bottom.

When we speak of inflation in the economy, that is based upon where you are standing. If you have got a lot of money invested in American bonds, a lot invested in American war economy, it is inflation for you at the top of the economy, but it is deflation for people at the bottom of the economy, and when the President asks for a recession at the top of the economy, he creates a depression at the bottom of the economy, so we do not even have the statistics to indicate today the growing number of hungry people since this policy has been enacted.

We are stating, and hope it is unmistakably clear, that during a period of economic inflation, no government regardless of its budget can act as Pilate and attempt to remain personally innocent in the midst of pervasive collective guilt. Pilate washed his hands but the result was to rub the blood in, not wash it out.

That essentially is the position of the administration in the present crisis. We challenge government at all levels to deal with this matter of eliminating hunger.

In Chicago, we find hunger has become a magnificent election-year football, being tossed from city to county to State and Federal officials. There is no touchdown for the hungry.

This reluctance to initiate massive feeding efforts of the sort needed to alleviate the hunger of 600,000 hungry citizens constitutes a conspiracy between hunger and public policy, a conspiracy that is an illicit relationship.

This State is on welfare at the rate of $1.171 billion from the Federal Government.

We believe that government moves best from the bottom up, and here are our recommendations. We insist that the city should show the way.

As lawful taxing districts, cities have the freedom to levy taxes; therefore, they must accept the obligation and responsibility to serve wherever the needs are of the taxes.

In this city, through collusion with the county assessor's office, we find individual homeowners carrying a tremendous burden while large corporations have adjustments made to build a John Hancock building.

If the tax rate to build a John Hancock building, given the choice property and the amount of space used, were the same as homeowners, then the person investing in John Hancock would not have come to Chicago, but there was an adjustment made. We don't know the details in the adjustment, but we can argue the case, and if we are refuted, then we will ask you to subpena the records.

Large corporations are left free to make fat profits and elude their fair share of taxes which are necessary to an equitable distribution of wealth.

When we look at the poor and hungry, we find a disenfranchised mass of 600,000 citizens in this city over 2 million in the state, being taxed without representation at any level.

We again assert that the city must begin. Chicago cannot expect the State or Federal Government to do for it what it is unwilling to do for itself.

Yet we are not singling out Chicago as the sole level of government with responsibility in this matter.

The State and Federal Government have respectively much broader taxing powers and, therefore, should have a much greater responsibility; but charity begins at home.

If the city permits itself, then challenges its 11 Congressmen, then the State legislators and State senators from these 21 districts, then by definition we would have a metropolitan commitment to eliminate hunger, which would by definition have city, State, and Federal implications, because persons are involved at that level.

The State and Federal Governments have respectively these broader taxing powers, but we maintain it is their duty to serve hungry people and to respond to our city.

One, we maintain that a city such as Chicago, with a gross adjusted product of $45.6 million, should appropriate at least 5 percent of its city budget to end malnutrition.

We suggest that the ordinance introduced on March 12, 1970, in a special council session be reported out to the finance committee with approval and passage. We are considering reintroducing it or similar legislation, should this become necessary.

We find it imperative that this city give serious attention to the chronic and on-going problem of malnutrition if establishment of a permanent body, and we would hope we would stop using illustrious representatives of our community, such as Dr. Deton Brooks, as scapegoats to put men such as him in indefensible positions, for there is no defense of hunger in an overabundant agricultural system, and those who are put in these positions should address themselves to persons who set them there.

The Chicago City Council should be testifying here. They are notably absent today, and so is the mayor.

There should be no immediacy in the celebration of his 15-year anniversary. Wine and tea and roses should not take priority over dinner with his hungry citizens. I cannot see why he is not here.

Instead of a 15-year celebration today there should be a memorial service for things undone.

No. 2, we urge the city of Chicago to offer each child a nutritious breakfast each day through an on-going program.

The trouble with the 10 to 3 hot breakfast program is children go to school before 8 and come home from school after 3, so by definition those children are not involved unless they stay out of school. Then they are in violation of another law. Sounds kind of tricky.

No. 3, we urge the Government to adjust the income of senior citizens but not reducing old-age assistance in light of increased social security benefits. Such action needs to be done now.

No. 4, we urge the State of Illinois Legislature to appropriate sufficient funds for each child to be able to have breakfast and lunch as part of the educational package.

No. 5, we urge our elected State legislators to act on pending legislation, which will afford all of our citizens adequate health care and a prepaid insurance program.

No. 6, we urge the Governor of this State to declare certain areas as disaster areas, and to apply to the President to turn from compromising acts of Congress to initiate the employment of other remedial programs. It would be a creative move to see the National Guard and Army come out to feed people rather than to shoot those who are hungry when they rebel and move into levels of disgust that bring about hunger and violence.

No. 7, we urge the Congress, especially the House of Representatives, to report out legislation equivalent to S. 2548 for an expanded school lunch program.

No. 8, we urge Congress to eliminate the food stamp program and substitute direct cash grants. The present food stamp program has been tried and proven ineffective, inefficient, and embarrassing to the poor, and it casts a stigma upon the user.

When the State government goes to the Federal Government to ask for 90 percent to match the 10 percent for highway funds, the Governor of this State does not take a food stamp to Congress and ask them for his Federal handout.

When educators go and ask for Federal money to balance off the school investment, the school officials do not have to take an educational stamp to indicate their State is poor, or to indicate that they have been neglected. It just indicates that is the state of the Nation.

No. 9, we insist in terms of permanently ridding the United States of hunger and poverty, that appropriate steps be taken to establish economic security programs as a logical adjunct to the Bill of Rights.

We believe that such a human security program can be provided by establishing a guaranteed livable income for all citizens through the creation of new jobs and in an imaginative human subsidization efforts.

In conjunction with this, we urge the Senate of the United States to take a very hard look at the intake and content of the new welfare reform package.

We believe that any form of welfare is wrong because it is degrading and dehumanizing. No one can be dependent upon the State or Federal Government, or any other man for that matter, and still be free and proud.

To reform welfare is to merely offer another form of degradation. We maintain in America the 38 million low-income and hungry people should be treated the same as other citizens, the same as the oil industry, airlines, shipbuilders, highway construction, farmers, Government home loan guaranteed buyers; they too have a right to share in the subsidy process.

We submit to you finally, gentlemen, that the men, women, and children sitting around me at this table, who have been degraded by food stamp offices, and commodity food programs, are not here because they are unpatriotic or because they are lazy.

The men and women around this table have worked the hardest and the longest on the jobs performing the most menial chores.

The persons sitting here, far from being lazy, are the persons who mop up the hospital floors; these are the persons here who clean the bathrooms, and who keep the city streets clean; these are the persons here whose houses are dirty because they clean the houses of the city officials; these are the persons here whose children are running in the streets because they are keeping the children of the city officials off the street; and I say to you that it is an inherent aspect of our economy and it is a tragic indictment of our value system that these persons, who have hoed tobacco road, and had sons die in Vietnam and Thailand, and perhaps in other places yet unrevealed, these persons would have to suffer public humiliation to ask for food in a Nation that they helped to build, that now rests upon the most overabundant agricultural system in the history of mankind.

This is the first aspect of my incomplete report, after which you may ask questions, further questions of me, or you may go into the continuation of my report to be given by the persons here.

Chairman McGOVERN. Thank you very much, Reverend Jackson, for an excellent and comprehensive statement.

I want to commend you not only on the statement but also for bringing this panel to our committee session today.

One of the problems I think we have had in trying to get the concern of the Nation about hunger is that some people are under the mistaken impression that it affects only a particular group of people, or a particular section of the country, or a particular color, but what you dramatize, it seems to me in the presence of this panel, is that hunger doesn't know any color lines; it doesn't know any age lines; it involves the young and the old, the black and the white, all parts of the country, and I know in your own efforts, both publicly and privately, you have recognized that, as do the members of this committee; so we do commend you for the statements you have made here today.

I think before we get into any questions, Reverend Jackson, we should hear from Mr. Geary.

STATEMENT OF REV. CHARLES GEARY, UPTOWN AREA PEOPLES' PLANNING COALITION

Reverend GEARY. Before I read my statement here, there is something that was failed to be done this morning. I want to thank those —I heard many thanks coming to Alderman O'Rourke and Rev. Preston Bradley, but I want to thank those who worked so hard in bringing people out here, and the hard work you have done over the last 3 days, both from Operation Breadbasket and the peoples' coalition, the little people that are never recognized anywhere.

I am going to read you my statement here that was prepared by my people—that is the way we operate in Uptown, five different races of people, one of the most unique spots on the top side of the earth, because we are about getting rid of racial prejudice, because we have learned no matter what color we were at one time, we are what they call the black man of the past. I woke up one day and realized I was a white "nigger." That is colonialism, and I don't want that any more, because I am a man and to be respected as such.

More than 10,000 poor people live in Uptown, senior citizens, sick and disabled people, families who can't get enough money to live like decent human beings, not even enough to feed children.

Every day more people are being laid off of their jobs, more people are being turned away when they go looking for a job. Chicago's answer is to have a program to teach the southern migrants how to live in the city, another program to get A.D.C. mothers out to work, and still another to spend a lot of money trying to get families off of welfare.

How can a family get off of welfare if he can't work or can't find a decent job?

Mothers can't work when there is no day care for small babies and no care at all for school age children, not even decent schools where they can get a good education. Southern migrants can live anywhere just as well as anyone else, but nobody can be taught to live in the hell of a city slum, not black or red or yellow or brown or white; and, above all, people must have food in their stomachs before they can do anything.

Thousands of people in Uptown need food every day of the week—they need it now. It is time to stop playing games with the lives of human beings.

The life of every man, woman, and child in the world is valid because he was born. There is no other way of looking at human life in a democracy where all men are supposed to be equal.

Some of the programs being talked about now are bandaids on a bleeding wound, especially when they will be run by agencies whose only purpose is to find ways to keep people running to knock on their doors begging for help.

The agencies that have kept the people in their poverty and suffering are no longer wanted. We know that they are only tools of power, using our tax money to keep themselves going and prevent the people from having anything to say about what is going to happen to them.

How long has hunger been studied? How much longer must it be studied before some of the wealth of our country will come down to bring food to the poor people? What kinds of jobs are being planned for people 75 years old so that they can get out of their wheelchairs and earn their own living instead of living off of the taxpayers?

They pay taxes too. Why must they go hungry in the remaining years of their lives in a country as rich as ours?

It is time for real solutions to the real problems of real live human beings. No more "Mickey Mouse" programs designed to make the people in other parts of the city believe that we are being helped, when we are only being used to allow this city to use Federal funds in programs, such as the Model Cities program, that increase the strength of the political machine and the financial institutions, and leave the poor even worse off than they were before.

The Uptown Area Peoples' Planning Coalition demands, as necessary to the survival of our Nation as a democracy, one nation under God, with liberty and justice for all:

Number one, the adoption of Senator McGovern's proposal of a guaranteed annual income by abolishing the $600 income tax deduction for children, and giving an allowance of $50 for each child. President Nixon's proposal will solve nothing. This proposal will wipe out most poverty over night.

Number two, an immediate emergency appropriation by the city of Chicago of $35 million to establish a department for abolition of hunger in Chicago.

Number three, a full service public aid station in Uptown, including general assistance, employing public aid recipients in operating and establishing policy for this station, because, I might add to you, beginning at Diversey Avenue, going all the way out to Kane County, all the way up to Cook County, back to the lake, there is one public aid office, and that is on 4200 Lincoln Avenue, and 75 percent of the people that are on public aid in that whole area come out of the Uptown area. That is an amazing figure.

The military budget of this country can be cut by $50 billion without endangering the safety of the Nation. Senator McGovern's proposal will cost $10 billion for the first year. $40 billion less to give life than it takes to kill.

The immediate saving of the future of thousands of little children in the city of Chicago cannot be measured in dollars and cents. They cannot wait for Federal legislation to help them. It is time for Chicago to turn from building a multibillion dollar empire over the suffering of helpless people and begin the real work of preserving human life, and stop dictatorship in the city of Chicago.

Until the problems of poverty are solved, and it must be solved, all of the problems of welfare people outside of the one of too little money, can only be solved by a local station where 75 percent of the northern district's case load lives, right here in Uptown.

I want to add to you, gentlemen, what Dr. Deton Brooks was saying here this morning is another plan about another mission, like they feed the poor "winos," as they call them on Wilson Avenue, giving them a little hot meal as a pacification to keep you in colonialism.

I have passed that stage, and I will starve to death in the streets of Chicago in a garbage can before I will be herded into a mission with my families, and there are 10,000 others here in the same position.

Chairman McGovern. Thank you, Mr. Geary, for your statement, and now if we can address a couple of questions to you, or to Reverend Jackson, or other members of the panel. Reverend Jackson, in connection with the points you were making, the recommendations, as to what the city of Chicago might do, it is not quite clear to me, are you suggesting that the real thrust in dealing with the problems of hunger have to begin with the city, begin with the local levels?

Reverend Jackson. I am suggesting that our Government at its very best, to be a democracy rather than an autocracy, must come from the bottom up, and that charity begins at home.

Once the city will have made an unusual very high moral commitment, then it can challenge the next level of Government; but the problem is that the city has a big budget, but its values are the same as the Federal Government, which has a big budget, but whose values are misplaced.

So if the city had some of its budget to eliminate hunger, I challenge the State to use its 5 percent——

Chairman McGovern. That 5 percent would actually represent, as I recall your statistics, about a sevenfold increase—but what is now being done—that is something less than $5 million, as I understand it, currently being allocated in the city budget for food—you are suggested that be increased to around $35 million?

Reverend Jackson. At least $35 million.

Chairman McGovern. Yes.

Reverend Jackson. As a start.

Chairman McGovern. And as I understand it, your reasoning there is not that the city can afford to fund the entire food assistance program, but if you get a solid commitment there, that gives it powerful platform from which to address the state and Federal Government as to their responsibilities?

Reverend Jackson. As I understand it, economically you are saying our seriousness is indicated by the amount of money you allocate, not by the loudness of the platitudes you make, so the city is as serious as the money it has allocated. The city of Chicago is about $4 million out of $850 million serious toward eliminating hunger, and a city that has that kind of misappropriation in terms of moral values is in no position to challenge the Federal Government, the county, the State or anybody else. Charity begins at home.

Chairman McGovern. In that connection we have had people suggest to this committee at various times that there have always been poor people, always been hungry people—we even had the Bible quoted to us that the poor ye have with you always, or something to that effect.

What is your answer to that kind of reasoning?

Reverend Jackson. We are always confronted with the question about people being hungry during the time of Jesus Christ, but during the time of Jesus Christ they weren't sending anybody to the moon, either.

During the time of Jesus Christ they didn't have modern agricultural systems, ways to save soil, and methods to fertilize soil; during the time of Jesus Christ they didn't have tractors. They didn't have reapers, and moreover, they didn't have, at that time, the most abundant agricultural system or productive system in the history of the world.

But moreover, that was an Eastern civilization 2,000 years ago. This is a Western civilization 2,000 years later, and these persons here may have some religious and spiritual commitment to those times, but these people have made a physical investment in this particular economy, and for them to make an investment in the economy, and for the economy to declare itself bankrupt while it continues to spend money for other things is to indicate a level of dishonesty—or better still, corruption.

Chairman McGovern. Reverend Jackson, there has been some publicity that has come to my attention that private feeding programs are going on in this city, and in other parts of the country. I believe you are participating in one of those programs, the Operation Breadbasket program—attention has been given to the Panther breakfast program and others.

What is the extent of those programs, or what is the extent of those programs? What can you tell us about the private efforts?

Reverend Jackson. Well, the Panthers had the most dynamic breakfast program going on in this city before they were intimidated and killed off. Then the Panthers, breadbasket, and the Uptown coalition, and various churches began to feed—and I argued that if Operation Breadbasket can feed 5,000 persons a week over the course of four feeding stations and 5 days a week, that the city should be at least able to match us—which is not happening—and we are getting the food from volunteer food contributions, and even though it is a protest to us, Senator, it is not a program, because we know that it must be somewhat embarrassing for the persons who have come to participate in the breakfast feeding program, people should be fed systematically through an agricultural program and civil rights organizations such as ours or the others should not set up permanent cafeteria services, and we are trying to get out of the breakfast feeding program and force the agricultural system to do it.

Chairman McGovern. Thank you, Reverend Jackson.

Senator Percy.

Senator Percy. Reverend Jackson, is it—you have been around the State of Illinois and to a number of cities; is it your impression that hunger is confined to the ghettoes of Chicago, or is this a statewide problem?

Reverend Jackson. Well, indeed it's a national problem, but my argument, as an organizer, is if you have a national crisis, a State crisis, a county and a city crisis, indeed a precinct crisis that you start at the nucleus of the cell, and this is our argument, that Chicago is not any different from other cities; but it ought to be different in terms of asserting itself with a moral commitment.

If this is the city that was first in establishing the 8-hour working day—which is something that we can be proud of—why can't this also be the first city to challenge the other cities around the Nation?

—not just to beg the Federal Government, but to challenge it, and you cannot challenge people to live the kind of life that you don't live yourself. It's that simple.

Senator PERCY. Within the county of Cook, if you live in the suburbs, or you live in the city and you are hungry in one place or the other, are the suburbs any better set up to handle getting food to the hungry than the city, or is it about the same?

Reverend JACKSON. Well, it's about the same—and again I have some persons here who have been caught up in these disaster act programs, the kind that is rejected—rejected now, who are just tired of being played with; persons whose money was taken out of their welfare checks when they did, and here are the people who got the results of the statistics and stuff we are giving here now, and I think it's important that at some time, whether now, or when we come back, that these persons are heard, because they can answer some questions that other people aren't so quick to answer.

Senator PERCY. You mentioned the economy and the effect of the recession. I would like you to be a little more specific.

For instance, we have had a tremendous emphasis in recent years on the hiring of the hardcore unemployed. A great many of those were whites who migrated from the South, as well as blacks; they have been put to work, but by union regulations, generally speaking, the last hired is the first fired. All of the thousands that have been fired in recent months because of economic conditions, and the electronic industry in Chicago, and other industries, would appear to be the very ones that have been trained, given hope, gotten off relief rolls, put to work, and now they are laid off.

What is the moral effect, what is the spiritual effect on these people in the ghetto as they have done everything they have been told to do; they have trained; they have educated themselves; they have gone to schools; they have gone to work now, and suddenly the first dip-off in the economy, they are the ones that are laid off. What happens in the ghetto when that happens?

Reverend JACKSON. It is to increase the hopelessness, intensify the alienation, and make more people give up on the system as we now see it.

It is to make people open to any alien or foreign ideology that promises to do for them what this system has not done for them.

It is very obvious to us to have over 500,000 unregistered voters in the city of Chicago; it's a political emergency, it is, for these people to be taxed without being represented; it's a form of tyranny, and we are saying that the inflation doesn't just start at the union levels, but the men who made these promises and vows when they got elected, I challenge them.

See, to me, union officials have a set interest, and they have got a great job on their hands fighting some of these tyrannical owners. But when you have 42 appointed jobs in the city administration, over $30,000 a year, that is inflation. These people don't need $30,000 a year just to feed somebody on the hunger program, and we have people who are always citizens willing to do the same job for one-third the amount of money, and with three-thirds more commitment to doing it, because they are hungry themselves, and are most immediately connected to it. I mean, inflation starts even at the level of government elected officials.

Senator **Percy**. Because a part of our program of coming to a community like this is to try to have a better understanding by all of the citizens who must appropriate the money and back it and support these hunger programs, I would like you to discuss the conditions we find today in the ghetto, and why there is bitterness and frustration in the inner city. I have been criticized for spending a good deal more time in the ghetto than I have been in the suburbs, like Lake Forest; but I have had to spend a good deal more time trying to understand what is happening.

I find, for instance, as I have gone around, that rents considerably higher inside the ghetto than just outside it.

In fact, 35 to 45 percent higher. In Maywood the other day I went around pricing apartments. For a four-room apartment, $125 is the cheapest I could find per month, and maybe you can't find that. I find, as I have looked at family electric light bills, they seem higher proportionately than they should, but then I wonder why and I ask.

Well, it costs more to keep the lights on all night, and it's necessary to keep the lights on all night so someone can stay up and chase the rats off the little children as they sleep.

It costs a little more for electricity when you are paying $125 or $135 a month rent, but the landlord won't turn the heat up in the dead of winter above 60° or 65°, and you have got to keep the oven on 24 hours a day so your children don't freeze.

It costs more to go to foodstores when the prices are jacked up, as you pointed out.

Could you give us more illustrations of the problems of living in the ghetto and the high cost when you are compressed and compacted into an area when the society is not open to you, and the pressure of people drives everything up—including the very high cost of crime.

Reverend **Jackson**. The very basic—perhaps the best example would be the dilemma of the contract buyers at this point, who are persons who have bought houses at inflated prices; their choice was between living in a slum apartment unkept by a landlord and buying an inflated house, by a slum building—those are the two choices they have.

It is a direct result of the closed housing. The city of Chicago has about 42 percent black people living on about 12 percent of the land, which means that by definition, the people in the ghetto are inflamed, and the economy is inflated.

It means that the laws of supply and demand put value on the property and take it off the man, so a square foot of ground in the ghetto is of more economic worth than the squarage of a human personality. By definition it makes the whole thing a very frustrating one.

Looking at these kinds of examples without even arguing about the 5 percent, we say that hunger is an emergency because people are hungry—but is a chronic emergency because people have been hungry, which means that until we have a job or an income, people will be hungry; until we have a job or an income, people will have ill health; until we have a job or an income where we can set up private schools, if that is what people want, we will need an education department; therefore, we argue, just as you have an education department, just as you have a welfare department, just as you have a roads department, a sanitation department, you should have a hunger department.

America shouldn't be ashamed that hunger exists if it is not just being made public. America should be ashamed if hunger continues, in that this committee has exposed it. Therefore we are arguing that the setting up of the department itself is a repentance where nobody should be blamed because it has been, but literally everybody who has some decisionmaking—particularly elected officials—should be blamed and ashamed if it continues.

Senator PERCY. Mr. Chairman, I just wondered if Mr. Geary or Reverend Jackson would want any of the participants in this panel to make any comments before we finish.

Mr. GEARY. I want to say one small thing.

The fact remains, even though there is a hunger department set up, until it's filtered direct to the neighborhood, not through CCUO, that kind of establishment, or until it goes into a neighborhood organization, Operation Breadbasket, those kinds of things, it never gets down to the people, but very high rich people always take very good jobs. We get the last penny into the pocketbook to feed the hungry, and that's all.

Reverend JACKSON. All right.

This is Sister Peggy Smith Martin, who has testimony, but we have others—just prepare yourself, and come one behind the other.

Thank you very much.

STATEMENT OF PEGGY SMITH MARTIN

Mrs. MARTIN. Reverend Jackson, Senator McGovern, Senator Percy: I am here to attempt to speak for 220,000 senior citizens—but in particular, 10 who are living in my home.

These are citizens on welfare; some are on social security; some are on public aid.

We room and board all of these people, 10 of them; and, of course, the services that would come from a normal home are also supplied by us.

We clothe these people by purchasing used clothing at various centers around the city that deal in used clothing, like Catholic Salvage.

We wash for these people; we iron—I have even learned since the death of my mother, how to shave and give haircuts.

We also supply their personal needs. The amount received to care, or the amounts that the recipients themselves receive, they are as follows—and let me point out that we have both black and white—the amounts we received vary, $77.02 per month; $92.02 per month; $60 per month; and $52 per month.

In March we received notice to make record of how much the raise was to have been made by social security. In March this amount was submitted to the State of Illinois Public Welfare Department.

In April those checks were decreased by the amount that was issued by social security.

For example, we have one gentleman who received old-age assistance, who was getting $31.98 from the State of Illinois, and $57.60 from social security, a total of $89.58.

When he got his April check, he got $89.80, which means there was 50 cents less than he was receiving previously.

Another recipient was getting $52.99 on welfare in March. In April he received $49.49. That is less $3.50 than he was receiving previously.

In all cases where the recipient was receiving social security, this amount was taken off by the State of Illinois, Department of Public Welfare.

One of my patients, or—I'm sorry—one of the recipients living in my home, is a paraplegic. He has to be hand-fed, he cannot walk. He is a Greek, from a foreign country, from Greece. He does not speak English too well.

I have been trying since the death of my mother in January to get this gentleman placed in Oak Forest, or in Cook County Hospital.

I called the Cook County Physicians' Service. They sent out a doctor who himself looked like he needed to be in the hospital.

He told me that this gentleman was just an old man, senile, as such; it was all right to leave him there.

As I have stated, this gentleman is a paraplegic. He is not able to —has no control of bowel functions, and he has to be spoon-fed.

This man definitely needs to be in the hospital.

I called the Public Welfare Department in the area in which I live, Englewood Department of Public Welfare. They told me that since the man is—he is getting welfare retirement, and social security, then, of course, I would have to contact County Hospital, and I told him this move had already been made, and we were unable to get him in.

Chairman **McGovern**. I wonder if we could interrupt here.

We have a message from the Food Distribution Center, where Reverend Jackson invited us for lunch, that they have been serving over there for some time, and would like us to come.

Perhaps we ought to recess now until 1:30 and we can resume again at that time.

Mrs. **Martin**. Senator McGovern, may I please start again where I left off?

Chairman **McGovern**. Yes you may.

We have an announcement, if you will give us your attention, please.

Mrs. **Barrow**. Will everybody follow Senator McGovern and the Senate Committee here, Senator Percy, and Reverend Jackson, and specifically those that are poor here, and you are here for the hearing, and we want you to follow them.

There are hundreds of others down there waiting for us, and it is kind of chilly out there so, if you just follow this panel as they walk 2 blocks in poverty, saying we must declare hunger illegal, we would just like for you to walk behind them two by two.

(Whereupon, at 12:30 p.m., the Select Committee was recessed to reconvene at 1:30 p.m.)

AFTERNOON SESSION

Chairman **McGovern**. Reverend Jackson, if you are ready, if your people are ready to go, we will complete the statements from the group that was here this morning.

As I understand it, we are just going to have some highlights.

Reverend **Jackson**. Basically what we want to do—and some of them are still out because they work in the food distribution—in the real sense, just to validate by their own experiences with the food situation things that we revealed this morning in our statistics, as well as in our analysis and recommendations, so two of the persons are here now.

Those who can't make it back in time for this, we will just have to excuse them in the best interest of time.

Chairman McGOVERN. If they wish to file statements later on, we will keep the hearing record open for any additional material that these people wish to make it part of the record.

Reverend JACKSON. Thank you.

STATEMENT OF RAY HENSON

Mr. HENSON. My name is Ray Henson, and I am unemployed as of now.

I was on State aid, you might say welfare, and I accepted a job to get off of it, and the first couple of weeks they paid me, and then one week they held back and didn't pay me, and expected me to keep on working, so I quit, and I am trying to get my money.

I filed for unemployment compensation, and one of the spot labor joints from Chicago here objected to my coming for unemployment compensation. I had 1 week, and was supposed to have another one coming, but after that I am not on that.

I would have to go back on welfare, but what is keeping me going on now is my income tax I got back, or I would be starving.

Chairman McGOVERN. Thank you very much. We appreciate your statement, and we will be glad to hear now from your associates.

STATEMENT OF IRENE HUTCHISON

Mrs. HUTCHISON. My name is Irene Hutchison. Because of poor health and child care problems, I work when I can, and I am on welfare when I can't.

I want to translate things like this hearing and programs that come in, and legislation, into reality—the reality out there in the streets of Uptown, and in the places—you can't call them homes by any stretch of the imagination, but the places where the people of Uptown live, like the little old lady in the wheelchair, who can't get all the way over to one agency that sometimes has food, and can't get up the long stairway to another agency that sometimes has food, and she needs food every single week because there is no way for her income to buy enough for her needs.

The reality of the man and wife who came into the coalition office, and the wife was about to give birth to a baby, and the husband's hand was mangled and mashed in an accident at work, and he can't work any more, and they had the check to pay for the food stamps, but no card to take the currency exchange to be allowed to buy these stamps, and they waited 2 days, and what we call the welfare office said they are sorry, the card is supposed to follow in a few days later, but there is a date on that card, and if the card doesn't and follow, it is too late, and they have already been hungry 2 days, and the only answer is, "We are sorry, there is nothing we can do," so this mother, who is waiting to give birth any moment, will have to go to the hospital having been hungry for 2 days.

This is the way it translates down here where we live, and Stockton School, where the model cities takes over the breakfast program, they have been serving a health lunch for 32 cents, and a hot breakfast for 11 cents, and that was free to children of people on welfare.

When the model cities program took over, the children were served cold cereal for breakfast, and a baloney sandwich for lunch.

Now, after a lot of complaints they say, "We are going to get the equipment in for hot meals." What was being used to serve the hot meals before this program came in through the city?

Hundreds of children in Uptown get a full hot meal. Hungry people volunteer, senior citizens get up early in the morning and cook and serve them, and they get bacon and sausages, and eggs and hot cereal, and French toast and fruit juice, and hot cocoa. People can do this for each other when they care, but the same people who have been running the war on poverty for 5 years are now being transferred over into the new bureaucracy that is being built to control the money that comes in, because through the model cities program there was a chance that some of this money would get by and get down and help the people, but don't be alarmed because it isn't going to happen.

These people are all over there, and they are all waiting to control every penny that comes in here, so two things are necessary:

Legislation, real valid legislation, that will put an end to poverty, an end to the shame of our country, but in addition to that there must be an alert throughout this country. Every taxpayer must be alert to follow every single penny that comes into the city of Chicago from the top all the way down to the bottom and see where it goes. Otherwise, the translation will be the same as it is now, where many people are hired and they are all being given raises more than ever before, and they will sit when they are told to sit; stand when they are told to stand; speak when they are told to speak; and shut up when they are ruled out of order, so they can collect their paychecks, and then they will go over to Krogers and fill their shopping carts to overflowing with good food, with meat and food and vegetables, and cakes and pies, and a nice little bottle of wine to stick in to make it all taste better and hurry up to the counter to get it checked out so they can go home and enjoy the feast, and a little old man comes along and his white hair is hanging down on his collar because he can't afford to go to the barber shop; his coat is ragged and his shoes are worn, and he is painfully and slowly pushing his cart through the store, and he comes up to the counter with two or three potatoes, and a little package—a little can of peas, and the smallest loaf of bread he can buy, and a can of milk because he has got a couple of quarters and nickels he has been saving to keep him going until his next check comes, and he will wait a half hour while this big load of groceries is piled in, so they can put it in their car and go home.

Nobody sees it; they are blind, and this is the way it has been in Uptown ever since the war on poverty started, and this is the way it will be unless we are all ready to fight for the right legislation, and to follow it right down to the hungry people of Uptown, or it will never get there.

Chairman McGovern. Thank you very much for your statement.

Reverend **Jackson**. There is a Spanish-speaking man just about to begin his testimony.

(Whereupon, a statement was given by a Spanish-speaking citizen.)

Chairman **McGovern**. Thank you very much.

Reverend **Jackson**. Thank you very much. We promised you we would get started at 1:30 and be finished by 2 p.m., and we hope that the sum total of our testimony, which as you see involved male, female, young, old, Latin-American, Spanish-speaking, Mexican, poor black, poor white, really an indictment upon the welfare system in general, and upon the incorporation of the city budget in particular; we would hope that you will take the sum total of this report into your account as you proceed with your programs here, and we look forward to the continuing help and response, just as you have been in allowing us to testify here today.

Chairman **McGovern**. Thank you very much, Reverend Jackson.

Again let me say that we will be happy to accept any written statements or additional testimony that you or members of your group may wish to submit. I am just sorry we don't have more time today.

Reverend **Jackson**. Thank you very much.

Chairman **McGovern**. Is Mr. Kapuscik in the room now?

If not, is Reverend Sanders here?

Reverend Sanders, can we hear from you at this time.

STATEMENT OF REV. WAYNE SANDERS, ASSISTANT PASTOR AT ST. GABRIELS CATHOLIC CHURCH

Reverend **Sanders**. Senator McGovern, Senator Percy. I sort of wrote things down briefly because I was afraid I might forget something, so I, after hearing the people talk, though, I sort of wonder if I should rip this thing up. They certainly say it a lot better than I can do.

All I can do, then, is add my amens, as you did, to what has been said. But I think I can bring a unique point to your investigation, and that is why I am here this afternoon.

So I think that coming from the neighborhood I come from, maybe it could be more valid, because when I told the people that there were hungry in my neighborhood, it was mixed, with mixed reactions that they accepted this. Some just didn't believe it, even though some of these hungry people live on their block.

Others just thought I was playing with their emotions and their reaction was suspicion, and others just refused to accept my word for it, and they just still don't believe it exists.

Chairman **McGovern**. Father Sanders, where is your neighborhood, or your parish?

Reverend **Sanders**. It's in the Mayor's—right next to the Mayor's neighborhood.

Chairman **McGovern**. In South Chicago?

Reverend **Sanders**. It's on the south side of Chicago. It's right in front of the—remember when you came to the Democratic Convention? It was the neighborhood that had all those fences around it, the beautiful wooden fences that were taken down right after the Convention. I don't know where they went to, but they were not there anymore, and if you would ride through the neighborhood now, I think with the fences down, it just uncovered what was there before.

There is still poor people and hungry people, but the point I want to bring out is that they are proud people.

The history of my parish has an Irish heritage to it, and that is one of the reasons why they are not here with me. A lot of them—I shouldn't say "a lot" but some of them are poor because of the apathy, and they just don't give a damn, and this, I am sorry to say, is in a lot of neighborhoods.

But I would like to speak for those who don't have a spokesman. Who didn't come with me—there are many, as I said, who are just too proud or too embarrassed, or, believe it or not, just too afraid to speak in front of you.

So after the city took the beautiful ribbon of redwood fences away after the Convention, and after our constant cries of our Canaryville improvement association of "Fixup, Cleanup and Repair Everything," all these pleas just go on the few ears that are there at our monthly meetings, and these people do, they try to keep up their neighborhood, and they are concerned.

But some of our people just don't want to ask for anything, and it's true, and they have given me this argument; you know, whenever you give something away, there are a certain element of people that are going to take everything for nothing. They are going to want this, everything for nothing, and I am afraid this cliche does have some truth in fact, and they are afraid of this. They don't want this to multiply in their neighborhoods, because they have never asked for anything in that vein.

I remember not too long ago an elderly gentlemen came to the rectory and he had eye trouble. He could barely open his eyes, and he was asking for himself and his wife—the check was late, or they ran out of food, or they wanted to buy some toilet paper, and they didn't have enough money for food, and he wasn't coming in to ask for $5 or $10. He was just coming in to ask for a couple of bucks to tide them over.

I said, "Well, you don't know when you are going to get your check."

He said no, but a couple of bucks will—sort of ashamed to just even ask for that.

The emergencies that happen in our neighborhood because of storms, fire, burglary, are a little different, because a good community absorbs these things as often as they can, and they become the stronger for it.

My neighborhood has done this many times, and I think this is well and good. They need to be commended for this, but the word I bring this afternoon is really most evident when it's best hidden—and by that I mean our silent senior citizens. Those forgotten beautiful people who seem to be quite satisfied because we don't hear them, and they seem to have few needs, really, because we don't know what they are, and they seem to be no burden at all to us because out of sight means out of mind—and they are not marching today for more money or food. They are more quiet than us. They just sit there and go hungry, and they are really not complaining to you or to me, but I am complaining—and they didn't even send me here.

I came because I had to—and fortunately they don't even know I am here.

And I am glad, because they won't be embarrassed. Again, they are proud people, proud of their Irish heritage, and a lot of them other nationalities. But they found themselves in circumstances beyond their foresight. You know, they didn't plan on getting old so fast—and really, who does.

But like that sudden spring storm that comes, the doctor bills, medicine, heat, rent, and food have soared away beyond their means, and I know that they need more than what they are getting.

So as I said before, hunger in my neighborhood has been unfortunately treated as a frivolous thing.

In a recent article printed in the Bridgeport News they stated that they wanted to know who these so-called hungry people were. They wanted to know their names and addresses, even though some of them, as I said, lived on their own block, and they wanted to know why they weren't informed.

How come I dare speak for these hungry people and not tell them first?

And finally, they wondered how I was so privileged to have such a wealth of knowledge about this hunger situation.

Well, my experience and my privilege, I guess, comes from the many people that have come to our priests' house just looking for food and shelter, and are in dire need, and then going to their homes, after I have given them somehting, to see if I could do more.

And a lot of times our Catholic Charities has helped, but sometimes they can't do everything, and the Government is then suggested, and they asked me to go to the Government—and I do.

But back to what I think is my unique point and my contribution this afternoon, is I just want you to be aware—as I hope you are already—that even these "good people" don't like to admit there is hunger and poverty in their neighborhood. They would rather hide it like a little monster, and refuse to admit it ever existed. But it does exist.

I know them, and if they weren't so proud and fearful, they might be here with me, and sort of I wish they were.

But they don't want to be labeled by their neighbors as this good-for-nothing who gets everything for nothing, and they—the reason I am here is that I know that they could have picked a better spokesman than me, but I think I am at least better than nothing—and I am glad you have at least given me this, your attention, and this opportunity to speak on behalf of these people.

Please, weigh thoughtfully what I have said, and thank you.

Chairman McGovern. Father Sanders, can we just direct a couple of questions to you?

Reverend Sanders. Sure.

Chairman McGovern. I wanted to ask you—I am sure that the problem you described is there. How extensive is it in terms of your parishioners and people that you are familiar with, what are the dimensions of this; can you give us some indication of what percentage, for how many people are involved in the kind of hunger and need that you described?

Reverend SANDERS. Well, as I said, the ones that I know about usually are the ones that come to me, that come to the priests' house, and these are Catholic and non-Catholic, but so all I can do is really magnify this.

Chairman McGOVERN. Yes.

Reverend SANDERS. Just the other day I went to a home. I heard they were hungry and, you know, they just didn't know where the rectory was, so percentagewise I would hate to even guess.

Chairman McGOVERN. But it's not just an isolated case?

Reverend SANDERS. No, this isn't just emergency cases.

Chairman McGOVERN. There are sizable number of people involved?

Reverend SANDERS. I think so, the senior citizens and the families whose husband's can't work. I think it's too sizable.

Chairman McGOVERN. Is it your view that the present food assistance programs just aren't reaching the older people? Is there something fundamentally wrong with the way the program is structured?

Reverend SANDERS. From the way they explained it to me, they are just not getting enough. They keep saying, "Meat is higher, Father, I still have to pay rent, and what happens when I get a medical expense? That is going to take something else out of the food budget." So from what they tell me, it isn't enough.

Chairman McGOVERN. It's basically an income problem, and the lack of adequate food assistance to deal with people that are on these low incomes?

Reverend SANDERS. Right. We have a Vincent De Paul Society in the parish, and we are willing to help these people when they do come, and we want them to come to us this way. But I think it could come from the Government and from the city too.

Anything else?

Senator PERCY. Father Sanders, I asked for a copy ahead of time of your statement——

Reverend SANDERS. I am sorry.

Senator PERCY (continuing). And I noticed there wasn't a copy, and I glanced over and noticed that it was in longhand. It was perfectly obvious that your statement was not prepared by any public relations director.

Reverend SANDERS. I am sorry.

Senator PERCY. You came—this came right from your own heart and your own experience.

Reverend SANDERS. Right.

Senator PERCY. I wonder if you could tell us about the problems that you see in hunger, particularly with the youngest, the infants, and whether or not you have seen instances where expectant mothers, where children in their early formulative years, 1 year, 2 years, 3 years, have inadequate food. Could you then comment on the particular and peculiar problems of feeding the elderly, and even if you have food available in a mission or a church, is it possible always for the elderly to get there?

Reverend SANDERS. Well, Senator, this calls for more than just one man can do, one person can do, and what I have been trying to do in our community is to get the people aware, first of all, that this problem does exist. This seems to be my problem right now. They don't want to admit it, and there are—we have a lot of kids in our neighborhood.

It's an old community and yet it's a young community because just riding through the streets in the summertime we have kids all over the place. You really have to be careful, and a lot of them don't have shoes, and a lot of them are drinking pop and potato chips all day, and they look healthy, but then this, the disease comes in, and the sickness comes in where there is malnutrition, and they are not—well, Sister tells me the stories more than—our Sister could give you more stories than I could give where she takes the kids to the convent and feeds them, or she will call up home and say, "How come Johnny wasn't fed breakfast?" This is in the morning, and she finds out that both parents are working and the grandmother is home, and she just doesn't take care of the kids as well.

A million instances—well, a thousand instances like this: where we catch it, we try to do something about it and, of course, these are again the ones that come to our Catholic school.

And the public school does have a program of giving them a hot lunch, which we don't have, see, and so they do get a good meal at least once a day in our public schools, and that is great. I wish we could cash in on this some way, but the senior citizens, then, we have tried this, we have had a program through Catholic charities even of getting a hot meal to these senior citizens at least once a day, and unfortunately they are, like I said, almost afraid to speak out, that their neighbors are going to think, "Well, I am poor," and so what I am trying to do is show them that they deserve this, that this is not charity, and this is something that you have been in this neighborhood for so long, we want to take care of you now, if you are getting enough through your service.

Senator PERCY. You mentioned an element of reticence on peoples part to admit their condition of poverty, and I know that this does exist.

What does that mean to us, so far as programs such as food stamps are concerned. For food stamps they must wait in line; they must show up and show that they are poor, and demonstrate their poverty. Do you think that a great many people simply don't go, and do without, and deprive even their children of the necessary food simply because of this sense of pride?

Reverend SANDERS. I am afraid so.

Senator PERCY. Do you think there could be a better system developed until we are able to replace food stamps which people stand in grocery lines and show to use?

Reverend SANDERS. Yes.

Senator PERCY. But even those that have them, do you think there is a better way to deliver them? If we can deliver income tax returns to peoples homes, can't we find a way to get food stamps to them that way?

Reverend SANDERS. Well, the suggestion I would have—and I think it has been brought up before—is where a community center somehow—it isn't too bad if someone in the community they trust, like myself or someone in this community—then, you know, so they are not given out as charity, but here is something you deserve. If it's treated different, I think it would be a lot better.

Senator PERCY. One last question, with respect to greater utilization of churches and parishes, and synagogues. It seems to me that here we have a physical facility that is used on Sunday, and maybe one or two evenings a week, but that it does stand idle a great deal of the time.

Now, we are fortunate in being able to use this auditorium for this purpose, and we are grateful. But I wonder when we move into the Nixon welfare reform program, which is now bipartisanly supported and has passed the House, which provides for operating expenses for day care centers, but not money to construct a day care center, would it be possible for churches to be used for that purpose? Would it be possible then for the operating expenses available now through appropriation to be paid to the churches to provide their physical facilities? Aren't those churches ideally located?

Reverend **Sanders**. Yes.

Senator **Percy**. You don't have to construct them; they are not being utilized during the day, during the week generally. Wouldn't they have adequate facilities, and wouldn't people feel comfortable dropping their children off at a church rather than maybe some storefront operation, or even utilizing part of a school building which is crowded?

Reverend **Sanders**. I would venture to guess that the Cardinal would be all for that, and we are—if it were available in our neighborhood, I know we would do it, and so would the other churches in the neighborhood.

Senator **Percy**. Thank you very much for a very moving and touching and helpful testimony.

Reverend **Sanders**. Thank you very much.

Chairman **McGovern**. Thank you, Father Sanders.

Our next witness now is Mr. Stanley Kapuscik. I understand he has arrived. Mr. Kapuscik, the project director of emergency food and medical services of Cook County Office of Economic Opportunity.

STATEMENT OF STANLEY C. KAPUSCIK, PROJECT DIRECTOR, EMERGENCY FOOD AND MEDICAL SERVICES, COOK COUNTY OFFICE OF ECONOMIC OPPORTUNITY, INC.; ACCOMPANIED BY CHARLES DAVID HUGHES, JR., EXECUTIVE DIRECTOR

Mr. **Kapuscik**. The organization I represent, the Cook County Office of Economic Opportunity, Inc., is a community action agency funded by the U.S. Office of Economic Opportunity. We serve the suburban Cook County area outside of the city of Chicago. The area is 732 square miles containing approximately 2 million persons, over 100 separate municipalities, and 450 separate governmental units.

Approximately one out of 20 persons in suburban Cook County have incomes below the poverty line, or 120,000 persons in 27,000 families. Since the 1960 census, this figure has been reported by reputable sources to have steadily increased. The problems of poverty are as diverse in suburban Cook County as they are for the Nation. They range from Spanish-speaking migrant labor problems and racially isolated ghetto areas to entire municipalities which are economically depressed.

Poverty in the suburbs is much more psychologically debilitating due to the nearby American dream affluence and also to its being lost in the myth that suburbia equals affluence. Services are fewer and more difficult to get to. Rents are higher and transportation expenses —it simply costs more to be poor in the suburbs.

My specific task in this agency is to direct the emergency food and medical services project we call Operation Nutrition. This program utilizes the U.S. Department of Agriculture supplemental foods for low-income groups vulnerable to malnutrition, covering children under 6 years old, pregnant women, and post partum mothers. There are 111 food items included in this, ranging from meat, milk, potatoes, and vegetables and juices, et cetera.

This is a prevention program and eligible participants do not need to demonstrate visible ill effects of malnutrition, although we have seen individual families who have these visible ill effects due to poor diet.

The Department of Agriculture supplies the food for this program, and we receive a grant from the Office of Economic Opportunity to implement a distribution system to get the food to those persons in need of it.

The annualized grant of $167,000 is intended to cover these costs of warehouse, staff, transportation, supplies, and equipment.

In reality, it is too small to effect an efficient system to serve the 14,000 persons we estimate are in need of this program, and have relied heavily on cooperation from many agencies, organizations, municipalities, and individual citizens.

Notably among these have been the Director of the regional U.S. Department of Agriculture office, Mr. Dennis Doyle, and his staff; the director of the State department of public health, Dr. Franklin Yoder; the director of Cook County Department of Public Health, Dr. John B. Hall, and his staff; staff of the Cook County Department of Public Assistance; public officials of such municipalities as Evanston, Maywood, and Robbins, and the Stone Container Corp., to name but a few.

Of course, not all organizations and municipalities have been as receptive as the above. Some denied that a problem exists to maintain an "affluent, middle-class, suburban image" of their towns, while others subtly implied that poor people deserve to be poor or in fact that they want to be poor.

In our 6 months of distribution we have served 4,500 persons and anticipate reaching 14,000 persons in the near future.

Our primary problem in not reaching more people sooner is that of the large geographic area and complex political boundaries, but in having established a food distribution system in one of the largest and most complex counties in the Nation, we have demonstrated its feasibility in other areas.

We have not only demonstrated a delivery system, but that it can be done at low cost and preserve the dignity of the recipients.

We estimate that with our current distribution of 4,500 persons the cost is $3.09 per person per month, and project a cost of 99 cents per person per month when we reach the optimum number of 14,000 persons to be served.

To insure that the recipients of the foods do not suffer the indignities of standing in long lines, we prepackage the foodstuff at the central warehouse in prescribed amounts rather than having persons wait for this process to be done at the distribution center.

Because we believe that food in this Nation of plenty should be a right for all and not just a privilege of those who can afford it, the recipient in this program is not made to feel that it is a charitable handout.

As well as we have done with this food distribution program, and in demonstrating its feasibility anywhere, we regret that it is inadequate. It will reach only 12 percent of the persons in suburban Cook County who are poor.

Does a child after his sixth birthday cease suffering from the effects of malnutrition and hunger? Is an adult not vulnerable to malnutrition? The elderly citizens become immune to malnutrition or hunger? These are questions we as an agency must yet respond to, and are in process of seeking out programs to do so.

We are now applying for a U.S. Department of Agriculture special food service program for children through the State superintendent of public instruction. We are seeking out food programs for the elderly.

All of these will help, but it remains a patchwork of programs, uncoordinated, to fill the total needs of the poverty community.

What is in fact needed is a coordinative framework of various programs to become a single, comprehensive, need-filling program rather than piecemeal programs for special groups, administered by different agencies or with varied sidelines.

Ideally, one Federal or State agency should be funded for all programs from infants to the elderly.

Community action agencies are an ideal coordinating mechanism to effect such comprehensiveness, and the Cook County Office of Economic Opportunity has developed such capability.

In addition to new designs of service-delivery systems in areas of food and health needs, basic social and economic reforms are required to change the picture of poverty in this country.

The Cook County Office of Economic Opportunity supports three basic recommendations of the White House Conference on Hunger and Malnutrition.

One, a guaranteed annual income of $5,500 for a family of four.

Two, a national health insurance plan.

Three, innovative approaches to community control of traditional food distribution systems, such as food cooperatives.

Thank you very much.

(The statement of Stanley C. Kapuscik follows:)

PREPARED STATEMENT OF STANLEY C. KAPUSCIK

The organization I represent, the Cook County Office of Economic Opportunity, Inc. is a Community Action Agency funded by the United States Office of Economic Opportunity. We serve the Suburban Cook County area outside the City of Chicago. The area is 732 square miles containing approximately 2 million persons, over 100 separate municipalities and 450 separate governmental units. Approxmately one out of twenty persons in Suburban Cook County have incomes below the poverty line, or 120,000 persons in 27,000 families. Since the 1960 census, this figure has been reported by reputable sources to have steadily increased. The problems of poverty are as diverse in Suburban Cook County as they are for the nation. They range from Spanish-speaking migrant labor problems and racially isolated ghetto areas to entire municipalities which are economically depressed.

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The Department of Agriculture supplies the food for this program, and we receive a grant from the Office of Economic Opportunity to implement a distribution system to get the food to those persons in need of it. This annualized grant of $167,000.00 is intended to cover those costs of warehouse, staff, transportation, supplies and equipment. In reality, it is too small to effect an efficient system to serve the 14,000 persons we estimate are in need of this program, and have relied heavily on cooperation from many agencies, organizations, municipalities and individual citizens. Notably among these have been the Director of the Regional United States Department of Agriculture Office; Mr. Dennis Doyle and his staff; the Director of the State Department of Public Health, Dr. Franklin Yoder; the Director of Cook County Department of Public Health, Dr. John B. Hall and his staff; staff of the Cook County Department of Public Assistance; public officials of such municipalities as Evanston, Maywood and Robbins; and the Stone Container Corporation, to name but a few.

Of course, not all organizations and municipalities have been as receptive as the above. Some deny that a problem exists to maintain an "affluent, middle-class, suburban" image of their towns while others subtly imply that poor people deserve to be poor or in fact, that they want to be poor.

In our sixth month of distribution we have served 4,500 persons and anticipate reaching 14,000 persons in the near future. Our primary problem in not reaching more people sooner is that of the large geographic area and complex political boundaries. But, in having established a food distribution system in one of the largest and most complex counties in the nation, we have demonstrated its feasibility in other areas. We have not only demonstrated a delivery system but that it can be done at low cost and preserve the dignity of the recipients.

We estimate that with our current distribution of 4,500 persons the cost is $3.09 per person per month and project a cost of .99¢ per person per month when we reach the optimal number of 14,000 persons to be served.

To insure that the recipients of the foods do not suffer the indignities of standing in long lines, we pre-package the foodstuffs at the central warehouse in prescribed amounts rather than having persons wait for this process to be done at the distribution center. Because we believe that food in this nation of plenty, should be a right for all and not just a privilege of those who can afford it, the recipient in this program is not made to feel that it is a charitable handout.

As well as we have done with this food distribution program, and demonstrating its feasibility anywhere, we regret that it is inadequate. It will reach only 12% of the persons in Suburban Cook County who are poor. Does a child who after his sixth birthday cease suffering from the effects of malnutrition and hunger? Is an adult not vulnerable to malnutrition? Do elderly citizens become immune to malnutrition or hunger? These are questions we as an agency must yet respond to and are in process of seeking out programs to do so. We are now applying for a United States Department of Agriculture special food service program for children through the State Superintendent of Public Instruction. We are seeking out food programs for the elderly. All of these will help but it remains a patchwork of programs, uncoordinated to fill the total needs of the poverty community.

What is in fact needed, is a coordinative framework of various programs to become a single, comprehensive, need-filling program rather than piecemeal programs for special groups, administered by different agencies or with varied guidelines. Ideally, one federal or state agency should be funded for all programs from infants to the elderly. Community Action Agencies are an ideal coordinating mechanism to effect such comprehensiveness and the Cook County Office of Economic Opportunity has developed such capability.

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1. A Guaranteed Annual Income of $5,500.00 for a family of four.
2. A National Health Insurance Plan.
3. Innovative approaches to community control of traditional food distribution systems such as fod cooperatives.

Senator PERCY. Thank you very much. The Chairman has stepped out for just a moment.

Dr. Brooks was asked whether or not he was familiar with the program, and he said, I believe, that he has talked with people in the program.

Have you ever personally had a visit from Dr. Brooks? Has he inquired about the nature of your program, as distribution costs, why your costs of warehousing were so much less than the city of Chicago's original estimates? How familiar were they with your program?

Mr. KAPUSCIK. I don't know how familiar they might be because I have had no contact with his office.

Senator PERCY. What?

Mr. KAPUSCIK. I have had no contact with his office.

Senator PERCY. You have had no contact with his office?

Mr. KAPUSCIK. Yes, sir.

Senator PERCY. Can you tell us what your warehouse costs actually are running now?

Mr. KAPUSCIK. About 25 cents per square foot, $5,400 a year.

Senator PERCY. I have seen in East St. Louis the warehousing of the Department of Agriculture food surpluses running on in the hot weather. It was 100 degrees when I was there, and all the packages were labeled, "Do not store in temperatures over 30 to 70 degrees fahrenheit."

Do you have adequate warehousing of the type that would keep the temperatures down so that foods could be stored safely?

Mr. KAPUSCIK. Yes, sir. We have the General Services Administration warehouse.

Senator PERCY. Do you have any reason to feel that comparable warehouse facilities could not be located in Chicago at comparable cost?

Mr. KAPUSCIK. I believe right now there are about 18,000 square feet of space at the GSA warehouse where we are located.

Senator PERCY. So that the fact that Chicago can't have such a program because it is too expensive to administer, one cost of which is warehousing, should it not be true? Do you believe that there is a need for a program like yours in Chicago, or does the need seem to end at the city line?

Mr. KAPUSCIK. I think there is a need for any program, sir, that would help with the problems of malnutrition and hunger in the city of Chicago or anywhere else in the country, that if this program here can in some way help alleviate the problem, it is needed.

Senator PERCY. Could you tell us how a person gets food? I imagine this food is pretty heavy, isn't it?

Mr. KAPUSCIK. Yes, sir.

Senator PERCY. Now, the food parcels that Breadbasket passed out here were manageable, but even some of those elderly people and children who came up to get them were struggling to hold on.

If they don't have a car, how do they take home the food that you have available for them? Do you have any other home delivery service?

Mr. KAPUSCIK. Yes, sir. We pretty much base many of our programs on getting as many people to volunteer services as possible.

This program specifically, if we can get people who have cars, be it from the poverty community itself or the affluent neighborhoods, we have them come in cars and deliver the food, if necessary.

Senator PERCY. Do you have any automotive equipment of your own in the program?

Mr. KAPUSCIK. At this moment, no, we are leasing most of our equipment, although we are looking for surplus property from the General Services Administration.

Senator PERCY. We have spent some time in the committee talking about the need for nutrition education, along with delivering food, delivering information about its proper use.

I wonder if you could tell us from your experience whether people in low incomes are knowledgeable about nutrition and diets, know how to spend their money in the best possible way for the greatest nutritional return on their investment, and whether a program of nutrition education would be helpful and desirable, and would be well received by people of low incomes.

Mr. KAPUSCIK. I think it is probably helpful to anybody really. I think that doctors who have testified in the past have said that teenagers of affluent families have frequently had a problem with taking insufficient nutritious food, but we try to work with these particular foods we have in setting up workshops with the recipients, to work with the specific foods, and playing around with basic kinds of ways to prepare them.

I don't honestly believe that nutrition education is a big factor, as much as getting food on the table.

Senator PERCY. How many community distribution centers do you actually operate?

Mr. KAPUSCIK. Right now we have 12.

Senator PERCY. Twelve, and this rings the city northwest, south——

Mr. KAPUSCIK. Yes, in some cases the villages or cities have given us space; in others, we have churches, other cases we have community houses, community centers, and so on.

Senator PERCY. Do you have any services beyond the delivery of food; in other words, information as to where health care can be obtained?

Do you refer them to health facilities? What other services are you called on to perform?

Mr. KAPUSCIK. Yes, sir. The persons in the community are being trained and taught as part of their task to recognize, and also to be able to refer and get people to other needed services, including health, and other food services and jobs, and that sort of thing.

Senator PERCY. I understand that you do have several multipurpose centers. Could you describe these centers, and what functions they perform?

Mr. **Kapuscik.** This is part of the Cook County Office of Economic Opportunity multiservice center systems, in which we have all programs that we in some way are administering, coordinated through local neighborhood service centers; intake systems, in which persons who need various kinds of help can then get that help from the traditional agencies in existence, or through some of the Offices of Economic Opportunity programs.

Senator **Percy.** Are you considering substituting any new programs, such as establishing food cooperatives?

Mr. **Kapuscik.** Yes, sir. I have been working very closely with some very fine people, conducting Hikes for the Hungry throughout suburban Cook County.

We have presented to them the food cooperatives, and they have agreed to support this endeavor. We hope to very shortly, approximately June, establish the first food cooperative.

Senator **Percy.** What do you think the effects will be on the health of the people that you have been serving now for 4, 5 or 6 months if you do not have this supplementary food program? How different would these people be with it and without it?

Mr. **Kapuscik.** I think there are two levels of response; one is the fact that people who are in low income frequently have the problem of wondering where the next meal is coming from.

I think this is a great part of the problem. It brings in from $9 to $14 worth of extra groceries a month.

Secondaly, I think it would be very difficult to assess the prevention of real malnutrition, because I think malnutrition effects are very subtle in terms of a child being very slow in school, or somewhat tense and so forth.

Senator **Percy.** It has been a long time since I have been in the Chicago school system. We had conflicting reports from mothers at the break on the cost of milk for children in school.

Do you have any idea what that cost, what they must pay for milk for the children?

Mr. **Kapuscik.** No, sir, I don't, I am sorry.

Senator **Percy.** You don't? Fine. I want to thank you very much inded, Mr. Kapuscik, for your very fine testimony, and I think we are fortunate to have a man of your quality in this program.

Dr. Mendelsohn and Dr. Thomas.

I believe Dr. Thomas is not here, so Dr. Mendelsohn, if you will be good enough to step forward.

I would like to state for our audience that Dr. Mendelsohn is a noted pediatrician, and we starred together, unbeknownst to each other, in a film, but I don't know that it will ever get an Oscar Award, but it certainly is a film of interest to this group, "To Feed the Hungry."

Dr. Mendelsohn, we are happy to have you with us, and would you please proceed.

Dr. **Mendelsohn.** Thank you, Senator Percy, and I am pleased to learn I am costarring with you.

I believe you have my written statement, my prepared statement.

Senator **Percy.** Pardon?

Dr. **Mendelsohn.** I believe you have my prepared statement.

Senator **Percy**. Yes, someplace up here, I believe. I don't have a copy of it here.

Do you have extra copies of it?

Dr. **Mendelsohn**. Yes.

Senator **Percy**. If you have any for the press, I know they would appreciate it.

STATEMENT OF ROBERT S. MENDELSOHN, M.D., ASSOCIATE PROFESSOR AND DIRECTOR, DIVISION OF COMMUNITY PEDIATRICS, UNIVERSITY OF ILLINOIS, COLLEGE OF MEDICINE

Dr. **Mendelsohn**. I am both happy and sad to appear before you today. Happy because of the additional opportunity to provide information about the hunger and malnutrition situation in our State of Illinois, and sad, because it is still necessary to hold this kind of session, because in the 14 months since my first testimony so little has been accomplished.

I might also add that I am somewhat embarrassed to testify after the eloquence of the people who themselves have experienced hunger and deprivation.

However, I would like at the outset to congratulate you for holding these hearings and for making this opportunity possible.

I will begin my testimony by going back to February 28, 1969, when I was privileged to appear before the Legislative Advisory Committee on Public Assistance of the State of Illinois. The chairman of that committee is Senator John W. Carroll of Park Ridge.

At that time, I was the National Director of the Medical Consultation Service for Project Headstart. My testimony consisted primarily of reports of pediatricians who were serving as consultants to local Headstart projects in Illinois.

For those who have not had an opportunity to view that testimony, and with the permission of the chairman, I would like to take a few minutes to present excerpts from that testimony 14 months ago.

> I intend to first show some evidence that demonstrates that the Illinois situation is no exception to the national scene, and that malnutrition, hunger, starvation and deficiency diseases exist in all parts of this State.

I would like to say, parenthetically, that the information I am about to present demonstrates on a small scale what the findings of the select committee investigators, primarily Dr. Arnold Schaefer, and his group have shown in much greater detail previously.

I also intend to propose measures that must be taken if we are to live with our own consciences, (I continue to quote.)

My present position is director of the Medical Consultation Service to Project Headstart for the American Academy of Pediatrics.

In this position, I have the opportunity to read reports of our 665 pediatric consultants to Headstart projects throughout the country. Of these consultants, 21 are assigned to projects in Illinois.

Immediately after learning of my scheduled appearance before this committee, I requested the aid of these consultants. Their responses indicate that serious malnutrition exists in both the rural and urban areas of our great State of Illinois.

Anemia is one of the indicators of undernutrition, and our consultants reports and laboratory tests in different localities demonstrate an incidence of 5 percent to 30 percent anemic children in the preschool age group served by Project Headstart.

There are other signs and symptoms besides anemia, and I will briefly quote a few of our doctors' comments.

I would first like to emphasize that these statements emanate from scientifically trained, professionally capable physicians, some in academic circles, others in private practice. They were all especially selected by the American Academy of Pediatrics because of their outstanding expert knowledge in the field of child growth and development.

Dr. Vernon DeYoung, a pediatrician on the staff of the Illinois State Pediatric Institute, reports about malnutrition in Joliet:

> When I made my site visit to the Joliet Headstart Project on January 8, 1969, one of the findings that had been unearthed by their screening tests was that almost every child had anemia—hemoglobin under 10 grams percent.
>
> The director and the nurse of the project consulted with the nutritionist of the Will County Health Department. This unearthed a woeful lack of protein in the diet of these children.
>
> They then supplied the mothers of the children with proper diet lists, and the Nutritionists and the nurse tried to assist the mothers in the following of these dietary lists. It was discovered that the food allotments would only pay for one-half to two-thirds of the usual necessary nutritional diet even when the mother was coached by a skilled Nutritionist:

I would like to underscore that last sentence.

> The Nutritionist found that to stave off hunger sensations she had to make the meals highly starchy, containing potatoes or bread, but little meat, fish, or dairy products.
>
> The Head Start schoolteacher complained that many of the children were listless, ill-tempered, and unable to concentrate on tasks until the noon luncheon was served. Some of the teachers found that they had to feed the children as early as possible. Otherwise, they could not function.

Dr. Werner Cryns, a pediatrician from Evanston, reports about children in the ghettoes of Chicago.

He states:

> In the series of 52 children seen in about three months, it is my clinical impression that malnutrition has played a significant role in at least 34. Malnutrition is seen here in the broadest sense, including poor nutritional status in mother, poor basic nutrition in the developing infants, and the nutritional deficiencies incidental to feeding problems of children with chronic brain syndrome. Here in situations where optimal feeding is indicated to promote general and central nervous system development, nutritional inputs are in fact drastically below minimal levels for "normal" children.

Dr. Roger Meyer, Director of the Infant Welfare Society in Chicago, states:

> Infant Welfare Society Staff now have an organized detection, reporting and treatment service, and find that supplemental food supplies are difficult to obtain. Recent discussion with those responsible for administration of the food programs reveals that unusual obstacles to food distribution are posed. Purchase of carload lots are required for obtaining much smaller amounts. Red tape places food out of reach of the most needy families.

Finally, Dr. Jack Metcoff, Chairman of the Department of Pediatrics at Michael Reese Hospital, and an international authority on the subject of nutrition, reports that many children hospitalized at Michael Reese suffer the effects of starvation and malnutrition. He informed me that his work over the past several years in Mexico on infants with severe protein malnutrition and other deficiency conditions has been very useful in dealing with the kind of children seen on his hospital wards here in the city of Chicago. Dr. Metcoff reports that in the year 1967, 18 cases of malnutrition were identified in children 1 year of age and under. I am sure that the committee members are aware that this shocking figure represents only a fraction of the great number of unidentified cases. I, myself, can remember thin, starved, emaciated children on those wards at Michael Reese Hospital seen during my residency training almost 20 years ago.

I wish to underscore that these are not isolated cases restricted to a few doctors or to a few medical centers. On the contrary, this is a consistent pattern throughout our fair State of Illinois.

These are sections of their testimony, and I have with me copies of the entire statement available at the request of the committee.

Fourteen months have elapsed since that meeting. What has happened during that time?

We can list some positive accomplishments:

1. Hunger and malnutrition have become public issues, and have received considerable publicity.

2. We have discovered that hunger and malnutrition exists in previously unsuspected locations. Only a few days ago a meeting was held at Chute Junior High School in Evanston. At that meeting over 30 witnesses gave testimony before six State legislators, and to an audience estimated at 500 people.

These witnesses, many of them poor and malnourished themselves, described in detail conditions of hunger and malnutrition existing in Evanston, Deerfield, Elk Grove Village, and other neighboring suburbs.

3. We have recognized the widespread existence of malnutrition in aged folks throughout our society.

4. We have identified and publicized the unethical practices of a large segment of the American food industry—which, by the way, affects the middle and upper classes as well.

5. We have fed small numbers of people who otherwise might have gone hungry, through some extensions, inadequate though they may be, of food stamp, school lunch and other programs.

In regard to the latter, special commendation should be given to State Representative Robert Mann for his efforts and accomplishments.

I would like to add a sixth one. A few weeks ago I learned that at Loyola University Medical School, the first case of kwashiorkor was identified in this city. Kwashiorkor was the kind of malnutrition that is usually associated with Biafra.

Evaluation of future efforts—and I have divided this into indicators of how to evaluate our efforts to eradicate malnutrition, since that seems to be a favorite question of many people.

The first is misleading indicators.

There are several misleading indicators of whether hunger and malnutrition are being conquered. These included:

1. Expansion of plans for food stamp programs.
2. Increased appropriations for school lunch programs.
3. Increased funding of antipoverty programs.

Many of the previous speakers have already addressed themselves to this issue, but I would like to add my few comments.

At one time I was innocent enough to believe these approaches provided the correct answers. Now I have learned the lesson that the poor have known all along. That lesson, simply stated, is that any program can be sabotaged if its administrators want it to fail. This applies to all so-called solutions, from more food stamps to income maintenance plans.

In order to insure the failure of a program, the following techniques can be utilized, among others.

1. Inadequate funding.
2. Discouragement of applications by red tape and administrative delays.
3. Treating recipients in an undignified, discriminatory, and inhuman fashion.
4. Using most of the money for administrative and professional personnel, thus insuring that the middle class, rather than the poor, will receive the greatest benefits.

In contrast to these misleading indicators, there are a number of true indicators of the effect of antihunger efforts. These depend on an appreciation of the physical and psychological effects of hunger and malnutrition. I will be able to tell that hunger is being eliminated in the following ways:

When the number of premature babies at Cook County Hospital and other charity hospitals will decrease. Right now the incidence of prematurity among the poor in some areas is 10 times as high as among the rich.

When the infant mortality rate in the Chicago ghetto will approach that of Highland Park. The infant mortality rate of Highland Park is eight per thousand; the infant mortality rate in some areas of Chicago runs 40 to 60 per thousand, and I recently saw some figure that indicates that the infant mortality rate in the southwest suburbs of Dixmoor and Phoenix runs as high as 126 per thousand.

When the height of black and Spanish children at Cook County Hospital will be the same as the height of white children in Wilmette. Every doctor at County Hospital knows that our population contains children who are smaller than the average of the general population.

When the head circumference of poor children will be the same as that of rich. Smaller heads, and apparently smaller numbers of brain cells are another characteristic of malnutrition.

When the incidence of serious infections, including severe pneumonia, meningitis, diarrhea with dehydration, will be the same among rich and poor. The incidence of serious infection is 10 times as high among poor and malnourished people as among the rich.

When lead poisoning will disappear. Lead poisoning is exclusively a disease of the poor.

When mental retardation will be as uncommon among poor blacks and Puerto Ricans as it is among rich whites.

When IQ and educational achievement will be just as high in public schools as it is in the head start centers.

And finally, when old folks will not show the physical, biochemical, and psychological effects of malnutrition.

These are the only meaningful indices of progress. They measure the results, not just the input. Measuring the amount of money appropriated or the number of programs expanded is equivalent to judging the health of people by measuring the number of visits to the doctor.

I would like to close with a brief look into the future.

Fourteen months ago I was naive enough to think that simply informing the people would be sufficient to make them act. Now I know better. I know that the failure to act stems not from lack of information or lack of resources or lack of ability. Rather, it is the result of lack of motivation, of will, of desire, of ethical standards. It is a failure of our deeds to match our words.

Furthermore, there is a growing and accurate realization that the solution of the hunger problem is inevitably tied up with the solution to all other problems of the poor; slum housing, poor schools, joblessness, discrimination, exploitation, and white racism. Our people have shown little willingness to face up to this situation.

We fail to understand the lesson of history, that countries and the civilizations survive not by force of arms or by moonshots, but rather by how they treat their widows and orphans, their deprived, their elderly, their children, their physically handicapped, mentally retarded, and emotionally disturbed.

I have seen little evidence of change in the 14 months as I observed the situation at Cook County Hospital, the University of Illinois, the State mental hospitals, and the national and local statistics.

Therefore, my predictions are:

1. Hunger and malnutrition will continue and increase.
2. Infant mortality rates, prematurity rates, growth figures, disease statistics, and number of deaths directly or indirectly from malnutrition will not change, and may become worse.
3. Lead poisoning will continue to take its dreary toll.
4. The poor will continue to be the victims of our educational system.
5. There will be an image of more programs and greater spending, but the reality of deprivation will remain unchanged.

My deep pessimism is tempered only by my ethical and religious conviction that this is an orderly universe, and that justice will prevail. My challenge to you and your colleagues is to diminish the pessimism that I and others suffer from by demonstrating that we need not depend solely on divine intervention. I challenge you to show us that human agencies—the Senate, the Congress, the State legislature, city hall—can promote and achieve justice for all people, effectively and promptly.

Thank you very much for your kind attention. I will be happy to respond to any questions you may wish to raise.

Senator PERCY. Dr. Mendelsohn, that is a very provocative, discouraging, but forthright statement, and I couldn't disagree with your conclusions.

I suppose we might only disagree with what we mean by justice ultimately prevailing. I would hope in my lifetime it would. I would hope in the foreseeable future that it would.

And I have seen, even in the last year or so, a change in priorities that has been rather dramatic in the cutback of several billion dollars in defense expenditures, in the replacement of other programs: but it's painfully slow compared with the urgent need that you have pointed out.

What happens to these children in the meantime, while we procrastinate and delay and set up bureaucracies, and study it? What happens if a child of one, two and three years of age looks forward to ultimate justice, and by the time he is ten or eleven, we have food programs to feed children? Can he ever make up for what he has lost in those early years?

Dr. MENDELSOHN. Well, first let me answer what happens to them, and then secondly, whether he can compensate for it.

The way that we orient our Head Start staff is to put on the blackboard something that we call the scoreboard of death, and we divide the blackboard into two sections; one is called rich and the other is poor, and we start out with 1,000 children who were born into each group.

By the time the children reach a month of age, 997 of the rich children will still be living; three will have died from prematurity.

But 10 times that number will have died among the poor, so only 970 will be living.

If we go on and take it to the end of the first year, about 990 of the rich will be living, and about 940 of the poor.

If we then go on and take it up to 3 years of age, then the effects of the diseases that I mentioned begin to be felt, and also such things as lead poisoning. We then have about five more of the rich die, and about 50 more of the poor.

And finally, when we get into the automobile accidents, and if we carry the children up to 6 years of age, we then have a fatality rate from automobile accidents, that is estimated as being four times as high among poor children as among rich, so if five of the rich children die, 20 of the poor will die.

I can't remember the exact numbers, but my recollection is that by 6 years of age, about 18 or 19 of the rich group will have died as compared to around 120 or 130 of the poor, and this, I think, is the answer in terms of life and death as to what happens to them.

Now, what happens to the ones who survive this kind of battlefield? They suffer from all of the physical diseases that we are all aware of, as well as from all the problems of learning and behavior that have been publicized in the last few years.

They have a further handicap, and that is the public school, which by virtue of practices that have grown up throughout the years, makes it almost impossible for these children to achieve the kind of educational status that your children or my children are capable of achieving.

So they come out of school, those who do come out, they come out with a large proportion of them being diagnosed as mentally retarded of one kind or another, and with an even larger number incapable of progressing further.

Now, the important question is whether or not this can be overcome. Let's just talk about the survivors now and leave out the ones who have already died.

The evidence to date is somewhat conflicting on the basis of animal experiments, where mothers are deprived of food before they give birth to their young, or when litters of animals are deprived of food early in the growth period. There seems to be pretty good evidence that irreversible changes do occur; however, I would like to caution anyone who tries to extrapolate from animal studies to human beings, because there seems to be contrary evidence that human beings, even if they do suffer from this kind of loss of tissue (and nobody can really get inside and count the brain cells, of course), even if they do suffer from this kind of insult, they do have the capacity to regain the kind of achievements that are characteristic of normal children and normal adults.

Now, that isn't true in all cases. I am sure there are some children who never really make it. I am also sure that none of these children can recover unless the input at the later stage is very great. In other words, you need a much greater investment later on in order to achieve compensation than is required for proper growth in the first place.

Senator **Percy**. Thank you very much indeed.

Chairman **McGovern**. Doctor, earlier today we went over to the food distribution center. I notice one of the youngsters that came through the line was a little boy, maybe 7 or 8 years old, obviously suffering from an eye infection.

Can a poor youngster of that kind find ready access to a clinic, or someplace where he could receive medical care?

Dr. **Mendelsohn**. Well, in the first place, as we said earlier, poor youngsters, like the child you saw, have a much higher incidence of serious infection because of their low resistance due to malnutrition and other factors.

If a child like that tries to find medical care, he runs up against all of the barriers that have been erected by the medical care system, and I don't know how much, or how far you want to go into that kind of a situation, but I would say in the past that when it comes to the poor, it seems as if the welfare program operates—it seems as if everything operates in reverse.

The welfare system operates to keep them from getting money; schools operate to keep them from getting an education; and the medical system, which you refer to, operates to keep them from getting medical care.

I could elaborate on that, but I have a hunch that would require many hours of testimony.

Is there any specific point you would like me to focus on? I will be glad to.

Chairman **McGovern**. What I was getting at is whether in the neighborhood there is a clinic that would provide services where a family could readily go. Supposing this youngster's mother or guardian wanted to get him medical care; it is a family that can't pay for it, how do they go about doing it in this neighborhood, or similar neighborhoods?

Dr. **Mendelsohn**. She would have very little chance in the first place of utilizing a private doctor because title XIX in this State seems to make that almost an impossibility, or at least in the city of Chicago.

There are clinics available; however, these clinics are characterized by such a host of undignified practices that we have seen established in this city a number of so-called community clinics, because people in their local areas felt that the regular clinics, such as the county hospital, and such as the clinics that are available through some of the private hospitals, have not been adequately serving their needs.

In general, I would say that while the clinics are available, the chance of a child like this receiving the proper kind of care is not good.

Now, the point that I was trying to make earlier is that nothing is as good as prevention of disease.

The problem is to prevent this kid from getting that eye infection in the first place, because once he has it, even if he were to go to the finest Michigan Avenue doctors, and to the best hospitals that we have in this city or anywhere else, he has a lessened chance of recovery from whatever infection he has.

We have to begin to think more in terms of the real medical problems. Doctors are used to thinking of preventive medicine in terms of something the doctor does to keep the patient well. Instead we have to start thinking of preventive medicine in terms of preventing the person from ever having to be a patient, or as one of my friends put it, when he was asked if he thought we needed more doctors in this State, he didn't think we needed more rich doctors; he said, "Instead we need fewer sick patients."

Chairman McGOVERN. Of course, an adequate diet is a tremendously important part of that preventive approach?

Dr. MENDELSOHN. I would say it is a crucial part of it, and this isn't merely based on medical testimony.

This is based on what our mothers and grandmothers knew.

Somehow or another we have lost part of that traditional wisdom. We feel we have to depend on some of us doctors as experts, but actually our mothers and grandmothers knew pretty well what an adequate diet consisted of.

Chairman McGOVERN. Doctor, are there suggestions you could make about dietary supplements that could be added to such basic foods as milk and bread, and other staples of this kind? Are we doing enough in that direction?

Dr. MENDELSOHN. I am happy you raised that point, because, as the studies of Arnold Schaefer, and others have shown, we seem to be going in the wrong direction as far as that is concerned.

The State of Illinois happens to be a grade A State as far as milk is concerned, but some of our neighboring States are not, and we have instances of remarkable price differentials between fortified foods and nonfortified.

For example, grade A milk in a neighboring State, that is milk fortified with vitamin D, costs a nickel more than milk which is not fortified with vitamin D, and yet to put vitamin D in milk costs a fraction of a cent.

The use of iodized salt in this country has gone down instead of up, because the salt manufacturers have decided for some reason or another not—well, not understood by me—have decided to eliminate the iodine from the salt; therefore, we are seeing in this country goiters in areas where they never were seen before.

One of the problems is that if we are going to do something to the poor, we in the middle class and rich eventually end up doing it to ourselves, and I think that that is what has happened to us. By depriving the poor, we have given the green light to the American food industry to start us off, if anything, in the opposite direction from that in which we wish to travel.

So I would certainly endorse what you are saying, that we need more and better fortification of many of our foods, but at the present time the evidence is that we are getting less and less.

(The statement of Robert S. Mendelsohn, M.D., follows:)

PREPARED STATEMENT OF ROBERT S. MENDELSOHN

Chairman McGovern: I am both happy and sad to appear before you today. Happy because of the additional opportunity to provide information about the hunger and malnutrition situation in our State of Illinois. Sad because it is still necessary to hold this kind of session, because in the 14 months since my first testimony so little has been accomplished.

However, I would like at the outset to congratulate you for holding these hearings and for making this opportunity possible.

I will begin my testimony by going back to February 28, 1969, when I was privileged to appear before the Legislative Advisory Committee on Public Assistance of the State of Illinois. The Chairman of that Committee is Senator John W. Carroll of Park Ridge.

At that time, I was the National Director of the Medical Consultation Service for Project Head Start. My testimony consisted primarily of reports of pediatricians who were serving as consultants to local Head Start projects in Illinois.

For those who have not had an opportunity to view that Testimony, and with the permission of the Chairman, I would like to take a few minutes to present excerpts from that testimony 14 months ago.

"I intend to, first, show some evidence that demonstrates that the Illinois situation is no exception to the national scene, and that malnutrition, hunger, starvation and deficiency diseases exist in all parts of this state.

I also intend to propose measures that must be taken if we are to live with our own consciences.

My present position is Director of the Medical Consultation Service to Project Head Start for the American Academy of Pediatrics. In this position, I have the opportunity to read reports of our 665 pediatric consultants to Head Start projects throughout the country. Twenty-one of these consultants are assigned to projects in Illinois. Immediately after learning of my scheduled appearance before this Committee, I requested the aid of those consultants (a copy of that letter is attached).

Their responses indicate that serious malnutrition exists in both the rural and urban areas of our great State of Illinois. Anemia is one of the indicators of under-nutrition, and our consultants report that laboratory tests in different localities demonstrate an incidence of 5% to 30% anemic children in the preschool age group served by Project Head Start. There are other signs and symptoms besides anemia, and I will briefly quote a few of our doctors' comments.

I would first like to emphasize that these statements emanate from scientifically trained, professionally capable physicians, some in academic circles, others in private practice. They were all especially selected by the American Academy of Pediatrics because of their outstanding expert knowledge in the field of child growth and development. Dr. Vernon DeYoung, a pediatrician on the staff of the Illinois State Pediatric Institute, reports about malnutrition in Joliet:

"When I made my site visit to the Joliet Head Start Project on January 8, 1969, one of the findings that had been unearthed by their screening tests was that almost every child had anemia (Hgb under 10 Gm.%). The Director and the Nurse of the Project (Mrs. Phyllis Theobald and Mrs. Jane Mirenic, R.N.)

consulted with the nutritionist of the Will County Health Department. This unearthed a woeful lack of protein in the diet of these children.

"They then supplied the mothers of the children with proper diet lists, and the nutritionists and the nurse tried to assist the mothers in following these dietary lists. It was discovered that the food allotments would only pay for one-half to two-thirds of the usual necessary nutritional diet even when the mother was coached by a skilled nutritionist. The nutritionist found that to stave off hunger sensations she had to make the meals highly starchy, containing potatoes or bread, but little meat, fish, or dairy products.

"The Head Start school teacher complained that many of the children were listless, ill-tempered, and unable to concentrate on tasks until the noon luncheon was served. Some of the teachers found that they had to feed the children as early as possible. Otherwise, they could not function."

Dr. Werner Cryns, a pediatrician from Evanston reports about children in the ghettoes of Chicago. He states:

"In the series of 52 children seen in about 3 months, it is my clinical impression that malnutrition has played a significant role in at least 34. Malnutrition is seen here in the broadest sense, including poor nutritional status in mother, poor basic nutrition in the developing infants, and the nutritional deficiencies incidental to feeding problems of children with chronic brain syndrome. Here in situations where optimal feeding is indicated to promote general and central nervous system development, nutritional inputs are in fact drastically below minimal levels for 'normal' children."

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"Infant Welfare Society staff now have an organized detection, reporting and treatment service, and find that supplemental food supplies are difficult to obtain. Recent discussion with those responsible for administration of the food programs reveals that unusual obstacles to food distribution are posed. Purchase of carload lots are required for obtaining much smaller amounts. Red tape places food out of reach of the most needy families."

Finally, Dr. Jack Metcoff, Chairman of the Department of Pediatrics at Michael Reese Hospital, and an international authority on the subject of nutrition, reports that many children hospitalized at Michael Reese suffer the effects of starvation and malnutrition. He informed me that his work over the past several years in Mexico on infants with severe protein malnutrition and other deficiency conditions has been very useful in dealing with the kind of children seen on his hospital wards. Dr. Metcoff reports that in the year 1967 eighteen cases of malnutrition were identified in children one year of age and under. I am sure that the Committee members are aware that this shocking figure represents only a fraction of the great number of unidentified cases. I, myself, can remember thin, starved, emaciated children on those wards at Michael Reese Hospital seen during my residency training almost twenty years ago.

I wish to underscore that these are not isolated cases restricted to a few doctors or to a few medical centers. On the contrary, this is a consistent pattern throughout our fair State of Illinois."

These are sections of that testimony. I have with me copies of the entire statement available upon your request.

Fourteen months have elapsed since that meeting. What has happened during that time?

We can list some positive accomplishments:

1. Hunger and malnutrition have become public issues and have received considerable publicity.

2. We have discovered that hunger and malnutrition exists in previously unsuspected locations. Only a few days ago a meeting was held at Chute Junior High School in Evanston.

At that meeting over 30 witnesses gave testimony before six State legislators and to an audience estimated at 500 people.

These witnesses, many of them poor and malnourished themselves, described in detail conditions of hunger and malnutrition existing in Evanston, Deerfield, Elk Grove Village and other neighboring suburbs.

3. We have recognized the widespread existence of malnutrition in aged folks throughout our society.

4. We have identified and publicized the unethical practices of a large segment of the American food industry.

5. We have fed small numbers of people who otherwise might have gone hungry through some extensions, inadequate though they may be, of food-stamp programs.

In regard to the latter, special commendation should be given to Representative Robert Mann, for his efforts and accomplishments.

EVALUATION OF FUTURE EFFORTS

I. Misleading indicators

There are several misleading indicators of whether hunger and malnutrition are being conquered. These include:

1. expansion of plans for food stamp programs.
2. increased appropriation for school lunch program.
3. increased funding of anti-poverty programs.

At one time I was innocent enough to believe these approaches provided the correct answers. Now, I have learned the lesson that the poor have known all along. That lesson, simply stated, is that any program can be sabotaged if its administrators want it to fail. This applies to all so-called solutions, from more food stamps to income maintenance plans.

In order to insure the failure of a program, the following techniques can be utilized (among others):

1. Inadequate funding.
2. Discouragement of applications by red tape and administrative delays
3. Treating recipients in an undignified, discriminatory, and inhuman fashion
4. Using most of the money for administrative and professional personnel, thus insuring that the middle class, rather than the poor, will receive the greatest benefits.

II. True indicators

There are a number of true indicators of the effect of anti-hunger efforts. These depend on an appreciation of the physical and psychological effects of hunger and malnutrition. I will be able to tell that hunger is being eliminated in the following ways:

A. the number of premature babies at Cook County Hospital and other charity hospitals still decrease.

B. the infant mortality rate in the Chicago ghetto will approach that of Highland Park.

C. The height of Black and Spanish children at Cook County Hospital will be the same as the height of white children in Wilmette.

D. The head circumference of poor children will be the same as that of rich.

E. The incidence of serious infections (severe pneumonia, meningitis, diarrhea with dehydration) will be the same among rich and poor.

F. lead poisoning will disappear.

G. mental retardation will be as uncommon among poor Blacks and Puerto Ricans as it is among rich whites.

H. IQ and educational achievement will be just as high in public schools as it is in the Head Start centers.

I. old folks will not show the physical, biochemical, and psychological effects of malnutrition.

The above are the only meaningful indices of progress. They measure the results, not the input. Measuring the amount of money appropriated or the number of programs expanded is equivalent to judging the health of people by measuring the number of visits to the doctor.

PREDICTIONS OF THE FUTURE

Fourteen months ago, I was naive enough to think that simply informing the people would be sufficient to make them act. Now I know better. I know that the failure to act stems not from lack of information or lack of resources or lack of ability. Rather, it is the result of lack of motivation, of will, of desire, of ethical standards. It is a failure of our deeds to match our words.

Furthermore, there is a growing and accurate realization that the solution of the hunger problem is inevitably tied up with the solution to all other problems of the poor, slum housing, poor schools, joblessness, discrimination, exploitation and white racism. Our people have shown little willingness to face up to this situation.

We fail to understand the lesson of history, that countries and civilizations survive not by force of arms or by moon-shots, but rather by how they treat their widows and orphans, their deprived, their elderly, their children, their physically handicapped, mentally retarded, emotionally disturbed.

I have seen little evidence of change in the 14 months as I observe the situation at Cook County Hospital, the University of Illinois, the State Mental Hospitals and the national and local statistics. Therefore, my predictions are:

1. Hunger and malnutrition will continue and increase.
2. Infant mortality rates, prematurity rates, growth figures, disease statistics, and number of deaths directly or indirectly from malnutrition will not change and may become worse.
3. Lead poisoning will continue to take its dreary toll.
4. The poor will continue to be the victims of our educational system.
5. There will be an image of more programs and greater spending, but the reality of deprivation will remain unchanged.

THE CHALLENGE

My deep pessimism is tempered only by my ethical and religious conviction that this is an orderly universe and that justice will ultimately prevail. My challenge to you and your colleagues is to diminish the pessimism that I and others suffer from by demonstrating that we need not depend solely on divine intervention. I challenge you to show us that human agencies (The Senate, The Congress, the state legislature, City Hall) can promote and achieve justice for all people, effectively and promptly.

Thank you very much for your kind attention. I will be happy to respond to any questions you may wish to raise.

Chairman McGovern. Thank you, Dr. Mendelsohn. We appreciate your testimony.

Dr. Thomas, are you prepared to testify now?

Dr. Thomas. Yes, sir.

Chairman McGovern. You can proceed in any way you wish, either summarizing your statement or reading it, as you prefer.

Dr. Thomas. Thank you, Mr. Chairman.

STATEMENT OF ANDREW L. THOMAS, M.D., SECRETARY, HOUSE OF DELEGATES, NATIONAL MEDICAL ASSOCIATION (DISTRICT OF COLUMBIA); PRESIDENT, COOK COUNTY PHYSICIANS' ASSOCIATION (ILLINOIS); DIRECTOR, HEALTH DIVISION, S.C.L.C.'s OPERATION BREADBASKET (CHICAGO)

Dr. Thomas. Senators, ladies and gentlemen, and my colleague, Dr. Mendelsohn here.

I would believe that Dr. Mendelsohn has covered in pretty good detail the question of malnutrition and the various medical aspects of it.

As a concept of a medical problem, it certainly is at the heart of our problems of health care generally.

To say that there is a health crisis in this country is to really understate the problem. We are well into it, and the nutritional problems and key components of it.

Agreement could be reached among most professionals that the technological and scientific progress since World War II set in motion a series of interrelated developments that enabled men to become extremely successful in the materialistic side of life. Billions of dollars have been spent for that problem, but we have paid an incalculable price in discomfort, frustration, misery and suffering by society as a whole.

But among the more affluent there has been mostly discomfort and frustration, where there is among the poor and near poor misery and suffering.

Indeed, it seems that the less fortunate are faced with disaster, and the basic question is one of survival in terms of existence in American society.

Many of the results are unquestionably related to our undisciplined technological progress, but, more importantly, the problem of survival among the poor and near poor results from a lack of commitment and misplaced priorities by public and private leaders of this city, county, State, and Nation.

Locally, in the Chicago area, our problems mirror the problems in all degrees on a national plane.

Our own Senator Charles Percy, a member of this committee, has looked into our local problems very carefully, and for that we are very proud and thankful.

However, it is necessary to at least sketch the depth and seriousness of the crisis in health as viewed through specific examples on the local level.

In the world one can categorize countries in terms of infant mortality rate, and find the United States ranks 13th among the nations of the Western world in terms of the number of children born and dying early in infancy, per 1,000 live births.

Further, the United States either gave substantial foreign aid, or still gives foreign aid to those countries.

It would make it very interesting, therefore, to note that the U.S. infant mortality rate, about 23 per 1,000 live births, when compared to our Uptown community, where we are now, shows that Uptown has nearly twice that rate; whereas our Lawndale community has a little over twice that rate; the near south, Grand Boulevard, twice that rate; and our midsouth, or Woodlawn area, has twice that rate, but there are equally severe problems in terms of health care reflected in our statistics locally.

In many of our communities among the underprivileged, we have found lead poisoning, rat bites, auto accidents, venereal disease, intestinal and throat infections, and so on, very, very high on the list of conditions affecting their ability to have total rehabilitation, but a more striking disease, and unquestioned killer in our society, the metropolitan incidents of tuberculosis, is the most prevalent communicable disease in this metropolitan community.

Chicago, with one of the Nation's highest rates on the average, showed in the metropolitan community that in the suburban community of Montclare, there are only about 6 per 100,000 being infected with tuberculosis, whereas in the near west side, there are 220 patients per 100,000, and in Altgeld, which is a community of underprivileged, there are approximately 40 people per 100,000, compared with the citywide average of 63 per 100,000.

Those statistics say something very clear, that even though the people in the Altgeld Gardens are underprivileged, and largely welfare recipients, their rate for tuberculosis is very strangely related to the fact that there is a greater environment circumstance where they are able to spread out and have less congestion, and, therefore, contribute mightily toward helping keep the rate down.

It would not be as high, however, if they were able to have better nutrition, so the adequacy of nutrition is related directly to one's purchasing power in the supermarket.

The problem of adequate nutrition for less-fortunate citizens has been emphasized by Reverend Jackson and others before legislative leaders, and I think that this morning's testimony showed that there are ways in which one can achieve the reversal of this situation.

Dr. Mendelsohn, I am sure, has given you some of the details further about that, and I shall not go forth on that, but the crisis in nutrition, related intimately to the crisis in health, shows that we have other crises afflicting our overall health care in terms of manpower shortages, facilities shortages, financial problems, and so on, which when wrapped up show circumstances such as the State of Illinois is short 7,000 physicians at this moment, the United States is short some 80,000 physicians at this moment, and it would appear, therefore, that when one talks about the crisis, obviously we have got to talk about how we overcome the shortage of manpower that we ned to insure an adequate level of care for all of our people, regardless of their ability to pay.

Our problems at Cook County Hospital illustrate that there is no longer charity, and we should not approach the problem from that angle.

At this moment medical students at Wayne State University are out on strike; they are out on strike because the administration of the university and the State legislative body have failed to be responsive to programs that would make for better care, and for increasing the number of medical personnel available, so that, in general, I believe that there are some very distinct recommendations that can be made, and I would like to say that what we say about the Cook County area can be applied to any metropolitan county in this country.

We can also find that the urban problems, as seen here and nationally, have some contributions that they can make in terms of the rural communities.

Of prime importance, our national health policy is in a confused state, especially at the executive level.

This was a major finding of the U.S. Senate Subcommittee on Executive Reorganization, chaired by Senator Abraham Ribicoff, who most of you know is a past Secretary of Health, Education, and Welfare.

According to that subcommittee, some $20.6 billion would be spent by fiscal year 1971 for various health programs, spread out over 24 separate departments and agencies.

More frequently than not, these various units compete with each other, and set up various programs that go in opposite directions of each other.

The public, and particularly the poor public, suffer as a result; thus there is maldistribution of available Federal funds, as well as poor utilization of those funds to implement clearly defined congressional intent as expressed through various legislative items over the past several years.

We can only solve our health crises by implementing the public policy that every American has a right to good quality medical care.

In order to achieve that right, we must have the unitary approach to developing systems of health care delivery.

The prime leadership must come from the Federal Government. I believe the private sector will respond favorably to such leadership, and certainly our State and local health officials would consider it desirable to do so.

I wish to make it clear that I am not talking about socialized medicine, or medicine delivered by Government units. What I am saying is appropriate governmental programs that assure every American freedom of choice of physician and type of services available to the general public.

I have some specific recommendations to that end:

No. 1, there should be created in this country a Department of Health at Cabinet level that would be responsible for all aspects of health in this Nation. Health care is too important an area to be mixed with other Government activity in what has become a huge monster called Health, Education, and Welfare. Further, the health industry is the fastest growing industry in America, and will tax the present bureaucracy in a manner that would limit its ability to respond in the future.

No. 2, appropriate in the next fiscal year sufficient funds to guarantee an adequate production of health manpower, currently estimated by Senator Ribicoff's subcommittee at $1.2 billion per year for the next 10 years to guarantee adequate numbers needed by 1985. That is a very small priced paper guaranteed health care of American people.

No. 3, allocate approximately $10 million per annum for the next 6 years to enable students with parental income less than $10,000 to pursue a medical education in order to increase the pool of potential physicians, and to offset the fact that this Nation currently relies on 20 percent of our physicians coming from foreign countries year after year.

No. 4, encourage regionalization of health activity by combining some of the legislative ideas already embodied in current legislation.

For example, one could combine the Partnership for Health Act and the Regional Medical Program for Cancer, Heart Disease, and Stroke.

No. 5, there should be developed a nationally financed health insurance program administered by the private sector, individuals being subsidized on the basis of ability to pay. Emphasis here is placed on one system of financing rather than categorizing the poor or near poor. Medicaid would be eliminated entirely under this system, and medicare would be modified in light of it, but probably left on its own for those over 65 years.

No. 6, we should develop legislation that would phase out the so-called charity hospital, since in fact, Congress has declared that every American has a right to the best quality medical care available, regardless of ability to pay.

No. 7, one should develop legislation that will promote the rehabilitation of individuals for greater productivity at whatever level of rehabilitation achievable by such individuals. This means giving life to the concept that every American has the right to life, liberty, and the pursuit of happiness.

No. 8, develop legislation that will provide tax relief to those of us in medicine considering practicing in the urban ghetto and rural areas as a method that will dramatically redistribute health manpower during the transitional period pending our restructuring of the health-care system in this country.

Mr. Chairman, Honorable Senators, ladies and gentlemen; it has been a great pleasure for me to appear before you today and advance some humble opinions as to how we can overcome the grave crisis affecting the health care of our people: this Nation can and must make a solid commitment to overcome the problem, but the hour is growing late. I strongly urge this committee to continue its work until the problems of nutrition and basic human needs are met. Improvement in health is the first step in improving the general welfare.

Thank you very much for your invitation, and I will answer any questions that I can.

Chairman McGovern. Thank you very much, Dr. Thomas. Both you and Dr. Mendelsohn have given us superb statements, as you did last year when we were in this State. Senator Percy, as you will recall, heard you testify in East St. Louis some 10 or 11 months ago. At that time you dwelled on the widespread nature of malnutrition among the poor in the city of Chicago, and in other parts of this State.

Have you noticed any improvement at all in that situation, or are we about where we were a year ago?

Dr. Thomas. Circumstances have, in fact, in my judgment, worsened. My patient load, which, as I mentioned last year, includes all economic groups—but I am located right there in the heart of the massive Robert Taylor Homes. The nutritional status of the people in the Robert Taylor Homes and surrounding area is, in fact, deteriorating.

I am seeing more malnutrition as expressed in low hemoglobins or anemia. This applies to pregnant mothers, to teenagers, to the elderly, and so on, and it's just rather shameful that this is a simple situation that can be reversed dramatically with appropriate food—be it red meat or—I am personally opposed to giving drugs where we can use food to take care of the problem. I think it's just purely simply the case that I would rather see the programs pay for adequate nutrition than to pay for the health care, which is infinitely more costly.

Chairman McGovern. Dr. Thomas, if I recall the figures right, in the national nutritional survey that Dr. Arnold Schaeffer is conducting, they discovered, on the basis of their preliminary findings, that about one-third of the children of poor families that they have examined are suffering from anemia or other food deficiencies, vitamin deficiencies, protein deficiencies of one kind or another. Does that strike you as a remarkable finding, or unusually high? Do you think that situation would prevail among the poor in Illinois, or in Chicago?

Dr. Thomas. I think it's very conservative. I believe that we have found, and Dr. Mendelsohn can elaborate further on this, in our headstart program that figure is somewhat off. It's higher with the poor in this urban area.

We have Dr. Widacor (phonetically) in St. Louis who is conducting some studies there with the Missouri State Health Department, where it's a bit higher there.

We have in most of the major metropolitan areas where Dr. Schaeffer's findings were only selectively done, probably closer to a 40 percent figure.

Our own Board of Health, for example, here in 1969 found that some 42 percent of a sample group of about 4,000 people demonstrated approximately 42 percent anemias—plain, garden variety, just simply anemias that could be easily corrected with adequacy of food intake.

Chairman McGovern. Well, then, would it be too much to say if it's that extensive that malnutrition is the number one health problem?

Dr. Thomas. I say it is the number one health problem because in itself it is very, very severe. But it also dictates how much TB there is, how much infection there is, and how many diseases there are, because one's ability to respond to insults to the body in the way of injury or disease relates to one's nutritional status, first being solids so that those of us who have adequacy of nutrition, ward off many diseases that those who are poor and near poor cannot ward off because their bodies can't fight off the disease, and as Dr. Mendelsohn pointed out earlier, an ounce of prevention is worth a pound of cure.

Chairman McGovern. Senator Percy.

Senator Percy. Dr. Thomas, ——

Dr. Thomas. Yes, sir.

Senator Percy (continuing). Vice President Agnew in Chicago said that he wouldn't want to be treated by a doctor who had come in under the quota system. He would want to be treated by one that came in under his own achievement.

Do you really think this gets to the heart of the question, when there is not a great rush by white doctors to move into and practice in the ghetto, or to move to Eskimo outlets and Indian reservations? How would you provide health service to 25 million Americans if we didn't somehow make provision for limited facilities in our medical schools to be opened up to minority groups—and I would a lot sooner be treated by a doctor who came in under quota than by my next-door neighbor or a plumber or a midwife.

Dr. Thomas. Senator, that is a very, very fine question to ask, because I have a particular displeasure that the Vice President of the United States would make such a statement which, on its surface, is plainly dishonest.

A man who is brought into a medical school on a quota system is, by the time of graduation, fully prepared to accept a license given in competition with the Phi Beta Kappa who came into medical school, so that the central issue is that many medical schools have attempted to rectify some wrongs that have existed in terms of depriving the poor, the black, and other minorities from entering medical school, because there is a severe handicap.

I had the great pleasure of sitting on a task force sponsored by the Sloan Foundation, where we just recently concluded meetings out at Stanford University. The study will be released on Wednesday. I happen to have a copy of it here, just one copy of it, but that task force pointed out that with just a few funds, the American society can dramatically change the number of personnel we have by focusing upon liberating the poor minorities in order to enable such kids to enter medical school by having financial underpinnings. The amounts involved in that task are considered very slight because it deals with maybe $10 million of Federal subsidy to give them loan programs.

The irony of the Vice President's remarks, which he later, just here in the past few days in Iowa, pointed out that the University of Michigan erred in its decision to bring in minority groups on a quota-type basis, to elevate their numbers to restrict the population, and to, in fact, find the finances to support them—simply says that vast pools of manpower are here in this country, and the reason that the average poor kid cannot reach his potential is strictly related to financing.

So that I would emphasize that any of the schools that are taking men in, and women in on a quota-type basis, it is related to trying to put the special emphasis to bring them into the mainstream: but when they graduate, they have achieved the same level of quality as any other medical student would have achieved—whether he came on a quota system or not—so that I certainly hope that we can reverse—well, I might say that what the Vice President did was in fact intimidated many medical schools that had just started launching out on such a program.

We hope, in Washington on Wednesday, that when the findings of this task force are released, then it will run counter to some of the commentary that the Vice President has made which I think was very damaging to some of the medical schools that had gone quite far out on the limb in encouraging this kind of development.

Senator PERCY. Dr. Thomas, you have one of the best overall understandings of our medical situation in Illinois. You visited more hospitals than probably any other doctor in the State.

I was struck when I visited our mental institutions a few years ago at the few number of doctors we had, and the fact that so many of them were from abroad.

In fact, some of them didn't speak English—or at least didn't speak it very well, and I just wondered how you could communicate well with a patient in a mental hospital when you are trying to understand them, and understand how you can translate to them, how they can find themselves, how this is possible? Looking into the figures, I find that about 20 percent of the doctors each year entering practice in this country have been trained in the developing nations of the world.

Now, instead of our training doctors and sending them out to help them, they are training at their expense doctors to come back and practice in this country.

Now, is my observation—is the condition as bad as it appeared to me to be?

Dr. THOMAS. That is a very correct observation, Senator, and I believe that you show considerable insight into the problem of the mental health area—particularly because there the question is just one of devastationally brutal treatment by not having the adequacy of personnel, and in our own State of Illinois, which has one of the best programs, we are in bad shape. We have one of the best programs in the Nation on mental health, but that program is far from adequate, and it does reflect the fact that we have to have foreign physicians to come in, and it really constitutes essentially a holding action that will be very costly to our society at large if we don't rectify it.

Senator PERCY. We are 50,000 doctors short in the country, 7,000 in Illinois, and yet we have no end of applicants. We turn down half of the qualified applicants in this country, and that is why so many students that I see abroad are studying over there, because they can't get in the medical schools here. What is the reason? Why are we so short of medical school facilities when there is a demand for doctors; society knows we need them, and there is a great many students qualified to enter, but just can't get in—or is it something just so simple as lack of money?

Dr. THOMAS. I think for the poor and near poor it's lack of money compounded by the long years of discrimination against the poor, and near poor—be they black, Mexican, Appalachian, whatever, there is just rank discrimination that is now slowly being reversed, but the fact that it existed for so many years, the problem got compounded so that at our own University of Illinois we are still running very short on black and other minority applicants or placements in the school.

At the University of Michigan, for example, they have now reversed the tide, and have now about 10 percent enrollment; out at the University of California at San Francisco, just this past fall they upgraded to about 30 percent black and other minority groups because they made a commitment.

Now, we can make the commitment in the Nation at the Federal level to increase every medical school class size by about 10 to 15 percent, to not only take care of the renewed efforts to bring in the various minorities to reflect their percentage in the population, but also to open up more places for basic middle-class white students who need to continue to come in in larger numbers to take care of the needs of the total population.

So we have an absolute shortage for the entire country. We have a severe shortage for certain components like the Appalachians, the poor, black poor, brown poor, and so on, and with such commitments utilizing the Federal funding mechanisms to really increase the medical schools' ability to finance these expansions, to increase the student's ability to finance his education on a loan basis or grant basis, we can dramatically start producing such physicians.

Now, at that Wayne State University situation in Detroit that I mentioned earlier, where the medical students just went on strike today, and I spent most of yesterday with these medical students and some of the faculty people in terms of trying to aid in the situation there, it's a problem where the Federal Government has on reserve $15 million for that medical school to expand its enrollment by about 50 to 75 places.

The President of that University has the discussionary authority to utilize the moneys allocated for any component of the university provided by the State Legislature for whatever purpose he sees, so that over the past 3 years he has prevented the medical school getting funds, all the funds it requested from the State legislature, and that therefore held up the Federal matching funds for them, and the medical school is near the state of collapse right now, so that we would lose some 130 medical students, medical school students if we allow that situation to collapse there.

Senator **Percy**. You have mentioned in your testimony the national priorities and the fact that we seem to find the money for military budgets but we don't for medical budgets.

President Johnson said that to protect the health of our citizens in the city we needed to bring nuclear bombs into the city and build an ABM system here. There was such a hue and a cry from the people in the city who didn't feel that they are going to be much healthier with a whole bunch of nuclear bombs dragged in here, that the administration backed off. President Nixon wisely said the Sentinel ABM system would be far too expensive and costly, and wouldn't protect the people in the cities, so we are going to move it back and have a mini system which is called a safeguard, and this system is to protect the good health of the ICBM's, so we have missiles protecting missiles back there now.

I am not sure how much that really adds to them, the net health and security of the country. In fact, I have concluded it doesn't add anything. I think it detracts. But I do know it's going to cost $12 billion minimum to build that system, and if my arithmetic is correct, $12 billion would build 100 medical schools at $20 million apiece, and operate them for 20 years at $5 million a year.

Which, in your judgment, would do more for the health of America, to build those medical schools and finance them and operate them and train doctors, or just build more missiles and protect more missiles?

Dr. **Thomas**. Well, I agree perfectly with your position, Senator, that the cost of the military budget expressed by the various missile systems does nothing as far as I am concerned for protecting and securing every American's right to life, liberty, and the pursuit of happiness.

And you are probably aware we are not terribly far from the lakeshore out here where a great part of the park has some atomic missiles down in the silos there, and out near my neighborhood of Jackson Park they are in Jackson Park. We have some buried, and anything you can do to get them out of there, I would appreciate. I don't even want them around.

Because the sad fact is if a mishap occurs down in Jackson Park, it will wipe out the entire South Side because of the storage of missiles, and I think that if men such as you and Senator McGovern keep pressing on with the attitude that we have the greatest fear is fear itself, as President Roosevelt said, and we need to work on human problems, I was very impressed with the fact, for example, that when our astronauts were zooming around with the $20 billion expenditures we are making in space, that the thing that was most impressive to the world was that we all felt a sense of human need to try and hope for their return. And now that they have returned, it seemed to me mandatory that we look at that great waste of money and put some of that money into meeting the kind of problems that your committee has turned up and, in fact, I would like to see this committee become a permanent committee of the Congress to work on a continuing basis the kinds of things that will increase the quality of life in this country, and obviously, if you are not healthy, all other aspects of life become meaningless.

Senator **Percy**. The last question deals with what we can do to replace or supplement the facilities of our hospitals, and particularly Cook County Hospital. I would like to ask both Dr. Mendelsohn and Dr. Thomas to comment on the value that they would place on the neighborhood health clinics that could offer comprehensive family assistance, where people could communicate quickly and directly, in fact could walk? They would not be bed facilities, but places you could go for medical assistance and help, family planning counseling, and where doctors could get a reach-out opportunity to correct early malnutrition, could point out to expectant mothers the necessity for and counsel them in proper dietary balance. Such centers could really prevent many of these cases which when they come to Cook County are beyond repair possibly.

How valuable would it be if we could put the resources into a network of neighborhood health clinics to reach out and bring the health care to all citizens, including those in impoverished areas?

Dr. **Thomas**. Well, I certainly feel that during a transitional period, and perhaps as a permanent institution, we need to have neighborhood comprehensive health facilities to bring the care to the people, so that in Uptown the people won't have to struggle to go long distances to reach care for themselves, or the County Hospital, or whatever, but my very basic philosophy is that with adequate financing of the health care, according to ability to pay, we would have for the poor a system that would be the same as the system that is true of those who can afford it.

Now, for example, with our medicare program, only 4 years ago, in 1966, the year before, 10 percent of our population, the elderly, were not able to achieve a satisfactory level of care, and they too were poor, as far as health is concerned.

After the introduction of the medicare, any elderly patient can go to any physician or any facility anywhere, and achieve a satisfactory level of care.

Now, it would appear to me that for those in the under-65-age group, they should have, regardless of income, that same kind of ability, and I would believe if there is a financing mechanism that takes cognizance of the fact that we need not subsidize a millionaire, when he has the ability to pay for his care, but we certainly need to have the same kind of system that is open to him, open to the person who has zero dollars.

I think that in that situation it is a unitary system; we, therefore, save costs and money.

I think the AMA, and the National Medical Association, are shortly going to be sponsoring a bill where there is a tax-relief kind of proposal.

There are many, many kinds of plants available, but I think during the interim, right now, we need our local and State governments, with Federal assistance, to provide comprehensive health centers in a dispersion fashion, to assure that our various neighborhoods will have adequacy of interest into the health care system.

Dr. Mendelsohn.

Dr. **Mendelsohn**. I think Dr. Thomas and I are both saying the same thing, and we are saying two contradictory things at the same time.

We are saying that we support the neighborhood health centers, because people have to eat and people have to get medical care; and at the same time, we are saying that we don't like them, and we don't like them because they serve to promote and extend the double standard that is now to prevalent in this country in whatever field you choose to search.

I will know that the neighborhood health centers are good when I see the Highland Park folks trying to get into them.

You know, in a sense, Vice President Agnew also, I think, helps to promote the double standard.

He mentioned that the Nation's universities are promoting social goals, and he is unhappy about that, and I wish he would have been around 20 years ago, because when I was applying for medical school, together with a lot of my fellow Jewish students, Jews had a hard time getting into medical school at that time. It was sort of funny that many medical schools admitted about 10 percent of the class composed of Jews, and that was because social goals were being promoted, because universities said, "We need people from downstate. We need people from all geographic areas." Nobody complained when social goals were used to exclude Jews, or to exclude blacks, but now I see that Vice President Agnew is complaining about social goals being used to include people who have been excluded before.

I think that what we really have to decide is not so much the technique or the mechanism, because I think that if we made up our mind that we wanted people to be healthy, and we wanted people to be well, and that we wanted people to be well fed, that any of us could sit here in about 10 minutes and we could figure out a system.

As a matter of fact, I am not even sure it requires any change of our present system. The problem is that we in this country seem to have decided that certain people are going to be cared for, and other people are not going to be cared for, and until we resolve that basic moral question, I don't think we can move.

Senator McGovern, you mentioned that malnutrition is the number 1 health problem. I would extend it even a bit further than that because when I think of the effects of air pollution, particularly in the people living in the inner city, and the effects of accidents, I have a hunch that our major health problem is not just malnutrition, or air pollution, or accidents, but our major problem is poverty. I don't think there is any way to make poor people healthy, regardless of how many doctors you bring into the ghettos, and I don't think there is any way to make poor people well nourished, regardless of how much food you bring in or how many food programs we have.

What we have to do is to get people out of poverty, just like all the European countries, and other countries in the world have already been able to accomplish, and that is the reason why those other countries have infant mortality rates that are so far superior to ours, and have other indices of health that are so far superior to ours, because they haven't made the decision that some people are better than others—at least not in their own countries—and I think that until we make the basic commitment to the rights of all people, and change that from a figure of speech into action, I don't think that we can solve any of the problems, regardless of what system we devise.

Senator PERCY. Could you be just a little more specific by stating that the disparity in health care is very great: that the major difference is between the poor on public aid who can go into a private hospital and have their card paid, those on medicare and medicaid who can also have their costs paid, the rich who can pay for themselves, and the middle-income people. These people, the majority of our population, are just getting by and are in a catastrophic situation if they have an illness. Their whole life savings can be wiped out.

We have taken care of the extremes, but we just haven't taken care of many of those in between.

Dr. MENDELSOHN. Well, that isn't quite as true as it used to be, because the poor people at one time were taken care of far better in places like county hospital than I think might be the case in many places today, because there is a lot of sophisticated equipment and techniques that simply aren't available, particularly in rural areas, and we haven't even begun to talk about rural poverty, so I don't know that it is quite as true as it was.

Let me just say a word about the difference between medicare and medicaid, because I think that may highlight the issue.

Medicare is single standard. Everybody who is old is entitled to medicare. It doesn't make any difference if he is a millionaire or a pauper; and medicare works very well.

As President Johnson said, "medicare has made 21 million happy sons-in-law," but medicaid on the other hand, limited as it is to the poor, in many places doesn't work at all, and the city of Chicago is one of them where it works poorly. Let me give you another example.

A school lunch program I think will be perfect if it were universal, if the rich schools as well as the poor schools were getting the school free lunch, because then the rich folks would have a stake in that school lunch program. Since the rich folks have plenty of political power, they would see that the right things are done, sort of like the public schools, but as long as the school lunch program remains double standard, it is given to the poor kid but not to the rich, it is not going to be effective.

Senator PERCY. Dr. Thomas, just as a personal question, you are generally familiar with the statements that I have made about Cook County Hospital.

Do you know of any statement that I have made in the last few months about Cook County Hospital that is not true and could not be verified and justified?

Dr. THOMAS. No, I don't. The various pieces of material I have read regarding your statements, including some of the press reports, and your own statements that you issued, I believe are virtually completely true, and I think that in your personal efforts, as a senatorial representative who has been responsive, you have done a great deal to focus on that issue.

I might advise you that it is virtually at the point where it was on the bed situation now, because the X-ray technicans are out of the place, and very shortly it is going to have to close down if they are not able to do the X-ray, or at least certain portions of it.

I think that illustrates not only the problems you brought out, but it illustrates some of the problems we have tried to bring to the attention of the city and county government, that is simply no longer the case that county is a charity institution.

We find, as the Congress has stated, that charity is no longer acceptable, and, as a consequence of that, we have got to think of new forms and new relationships for our various institutions and programs, pretty much along the kind of ways that your staff certainly has advanced, and your personal statements, and some of the concepts Dr. Mendelsohn and I have advanced, that we have got to see total liberation of the human condition to make it possible for a welfare mother, for example, with 12 children, who has no time to work, but yet can be a mother for the children of other mothers, who can work outside, and this mother then does not become a welfare mother of 12 children. She becomes a person who is working at full time being a mother, a neighborhood mother, so she has a job to do in a day care center, and that liberates her, as it were, in terms of specializing in that which she has got to be tied with, and that is her 12 children and one or two of various other people.

Senator PERCY. I asked the question, Mr. Chairman, because I was rather amused; I understand from one of the news media that the president of the Cook County Board again made the statement that he thinks I ought to stay in Washington, that Cook County Hospital isn't any of my business.

I intend to make it my business, and I intend to notify the president of the Cook County Board—there is one way he can get me out of it. He can run it efficiently and get the politics out of it, and run that institution as it should be, and provide the kind of health care that should be provided. I intend to stay here, and stay with it, and visit it frequently, and I hope the commissioners visit it also. I intend to do so because we have an obligation and a responsibility to do it, and I think you would be rather surprised that the State and the Federal Government provide two-thirds of the revenue of Cook County Hospital, and as long as we are spending the money we are going to see that it is spent efficiently.

Thank you very much.

Chairman MCGOVERN. Thank you very much, Dr. Thomas, and Dr. Mendelsohn. We appreciate your testimony.

Dr. MENDELSOHN. Thank you.

Dr. THOMAS. Thank you.

(The statement of Andrew L. Thomas, M.D., follows:)

PREPARED STATEMENT OF ANDREW L. THOMAS

Mr. Chairman, Honorable Senators, ladies and gentlemen: I am Dr. Andrew L. Thomas, a private practitioner of Internal Medicine here in the City of Chicago. My practice includes people of all economic, social and cultural groups in our city. Yet, my office is located in the heart of the world's largest concentration of underprivileged citizens—the sprawling Ickes-Robert Taylor Public Housing Development along 32 blocks of State Street, beginning at Cermak Road. Additionally, however, I am heavily involved in various civic, professional and official groups in the health care field at local, state and national levels.*

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*An expert on utilization of medical facilities and services and is recognized nationally as a pioneer in implementing Utilization Review under Medicare from its introduction in July 1966. Has visited virtually every major hospital in Illinois as Chief Consultant, State Department of Public Health and many other hospitals throughout the United States in connection with Utilization Review activity.

Thus, I believe myself intimately familiar with health care in its administrative, delivery and practice aspects.

That there is a severe health crisis in this country requires little elaboration. Our problems in health, however, like all problems in society, are related to activities in other areas, both public and private. Therefore, we must view the crisis in health with an overview of progress, priorities, politics, economics, and other elements affecting the general welfare.

Everyone agrees that technological and scientific progress since World War II set in motion a series of interrelated developments that enabled men to become extremely successful in the materialistic side of life. We have spent literally billions of dollars to achieve our technological advances, but have paid an incalculable price in discomfort, frustration, misery and suffering by society as a whole for such progress. However, among the more affluent, there has been more discomfort and frustration than misery and suffering. The converse is true of that huge segment of our population called the underprivileged. Indeed, the less fortunate are faced with disaster—basic survival being the question! Many of the results are unquestionably related to our undisciplined technological progress. But more importantly, the problem of survival among the poor and near poor result from a lack of commitment and misplaced priorities by public and private leaders of this city, county, state and nation. Locally, the problems mirror the national problems in all degrees. Our own Senator Charles Percy, a member of this Committee, has looked into our local problems very carefully and for that we are very proud. However, it is necessary to at least sketch the depth and seriousness of the crisis in health as viewed through specific examples on the local level.

Infant mortality chart (1966)

Country	*Rate/1000 live births*
Sweden	12. 6
Netherlands	14. 7
Finland	15. 0
Norway (1965)	16. 8
Denmark	16. 9
New Zealand	17. 7
Switzerland (1965)	17. 8
Australia	18. 2
Japan	19. 3
United Kingdom	19. 6
France	21. 7
Canada	23. 1
West Germany	23. 6
United States	23. 7
Ireland	24. 9

You might note that the United States either provided or is still providing some foreign aid to each of the countries noted.

How do select Chicago communities compare with the national average of infant mortality?

Infant mortality, citywide—Chicago, 1968

Section	*Rate/1000 live births*
Uptown	30. 3
Lawndale	46. 4
Near South (Grand Blvd.)	37. 5
Mid-South (Woodlawn)	45. 6

There are many other equally severe problems leading to early death of our infants such as: lead poisoning, rat bites, auto accidents, venereal disease, intestinal and throat infections, etc. One of the more severe is malnutrition, which sets the state for a whole chain of events leading to morbidity, mental retardation, early onset of preventable disease and death.

The metropolitan incidence of tuberculosis—our most prevalent communicable disease killer—provides another key index to the health crisis.

Area	TB rate 100,000
Chicago [1]	63
Montclare	6
Norwood Park	12
Near Southside	112
Near Westside	220
Altgeld [2]	40
DuPage County	5
Suburban Cook County	12
Glencoe	3
Robbins	84

[1] One of Nation's highest.

[2] Single family dwellings, though all black.

Tuberculosis, a controllable disease, is literally running rampant in our community. What can be learned from the statistics? First, it is clear that environmental conditions play a very important role in determining disease patterns. Thus, Altgeld Gardens, while being a community of the poor and near poor, still has a relatively low TB rate. A major reason for this situation is due to the absence of congestion. On the other hand, the rate would be lower if the same population had better nutrition. Thus, the health status of a given population is intimately related to basic nutrition. As far as the poor and near poor are concerned, adequacy of nutrition is related directly to one's purchasing power in the supermarket. The problem of adequate nutrition for our less fortunate citizens has been dramatically illustrated to our governmental leaders during the past year. In June 1969 during the "Hunger March on Springfield," Reverend Jesse Jackson, championing the cause of the poor, led 5,000 people to protest a cut in the welfare budget proposed by then Speaker of the House, Ralph Smith who, in a heartless and cruel manner proposed an arbitrary reduction of 1/3 in an already inadequate program of aid to the indigent. Mr. Smith, now a U.S. Senator, acting even more irresponsibly, is focusing his main attention on developing legislation to suppress human rights by attempting to control freedom of speech of those who would address themselves to problems of the less fortunate.

A hungry man, acting on the principle of self-survival, will steal food if no alternative means are available to obtain it! The answer to the crime, obviously, is to remove the reason for it through preventive measures.

Most importantly, in the less affluent areas, malnutrition leads to a chronic state of hunger as the gross manifestation of illness. More subtlety, however, it leads to iron deficiency anemia, premature births, stillborns, mental retardation and, of course, many disabling conditions of later life and early, preventable death. In all cases, the cost of prevention is much less than the cost for correction and infinitely smaller than the price we pay for ignoring the health problems of the less fortunate. We pay a very heavy price for maintaining the cycle of poverty, ignorance and disease that afflicts the poor. Perpetuating this cycle is morally wrong, economically unsound and, therefore, totally unjustified! The cycle must be broken!

It is unquestionably within our powers to break the cruel hoax of dependency and despair that the larger society has imposed on the less fortunate in the name of "free enterprise." The alternative is not socialism or communism, but rather, responsible democracy exercised through truly democratic institutions that are managed in a just fashion dedicated to the reality that every American has certain inalienable rights to 'life, liberty and the pursuit of happiness.' One cannot, however, achieve these basic rights unless he is sound in mind, body and spirit. Soundness in these areas is contingent on the presence of good health, but good health is not merely the absence of disease. Rather, good health is predicated on a state of physical and mental well being!

Although I have called attention to several diseases that are running rampant among the impoverished, it would be futile to establish eradication and control programs if cognizance were not taken of the severe health manpower shortages and maldistribution of health personnel. For example, in Illinois, today, we are short some 7,000 physicians, the innercity and rural areas faring worse.

Obviously, new methods must be devised to overcome current personnel deficits and prevent projected manpower shortages. As new techniques are developed to train personnel, concurrent programs must be designed to absorb such personnel, since we are also suffering from an anachronistic health delivery system.

Now that we have gotten a glimpse of some of the general problems influencing our health patterns, it is now time that we look more specifically at the situation regarding Cook County Hospital and the role that it plays in alleviating health problems as well as the future role that it should assume in delivering health care for our population.

It is very vital, however, that we understand the nature of the conditions that led to the establishment of Cook County Hospital some three generations or more ago. The huge sprawling public hospitals were conceived in an age when it was acceptable to treat "charity" patients based on the concept of the poor laws of England. Necessarily, therefore, a system was developed which made for a dual system of care: A system for the rich—a system for the poor. At different times we have had different groups constituting the bulk of the poor. But the one group that has consistently been present in the impoverished area in large numbers and out of proportion to their percentage in the population, has been the black population of this community and, indeed, of this nation. A dual system based on economics and race in the delivery of health care is as costly to maintain as was demonstrated to be the case with dual school systems in the south and defacto segregation in the north. Our own Cook County Hospital is a classic example of such a facility created for "charity patients." "Charity medical care" is no longer acceptable to the poor and should not be acceptable to the poor and should not be acceptable to any of us! As a matter of fact, it is supposed to be national policy that charity is no longer tenable for our society to practice. In the words of former U.S. Surgeon General William H. Stewart, speaking to the National Health Advisory Council in November, 1966, in reference to the passage of the "Partnership for Health Act"—

"Every person should have ready access to high quality personal health services and every person should live in an environment which is safe from preventable hazard and conducive to healthful and productive living.

"The first thrust is to remove the inequities and inadequacies in access to and quality of personal health care. The second is to assure maximum protection against preventable diseases and hazards in the environment."

If, indeed, such is the national policy, we must view our problem at Cook County Hospital specifically and the problems of health care for the impoverished generally in the context of what road we should travel in improving conditions. What is happening at Cook County Hospital is typical of what is happening throughout our health care system around the country. That is, the system has collapsed under the pressure of technological change, massive population increases, inadequate facilities, personnel shortages, and inappropriate utilization of services. Our inability to have foreseen these difficulties and make plans to avoid or overcome them, is based largely on built-in inflexibility within the collapsed system and reluctantly to eliminate racism and discrimination against black and other poor people in our society. We must meet both issues head-on if we are to solve this problem and, in fact, if this nation is to survive. If anyone is in doubt about the urgency of the task, let me describe what is taking shape among the impoverished people and their advocates in our society. A presently ill-defined, but growing health movement is beginning to take form. This movement is part of a large movement in which the people are expressing their disgust with the management of the United States. They are concerned about the creakiness of our democratic machinery: they are concerned that promises have not been kept: they are concerned that billions of dollars are going to waste on various projects in the name of "natural security:" they are concerned that they are in a state of helplessness and despair: they are concerned that government officials and business leaders have been unfair and dishonest. They are preparing to reverse the tide of events. All the police power conceivable cannot stop this movement, for the younger generation has found a role it can play. And, as someone once said: "Unless one has a one-to-one relationship between the militia and the people, one can never be secure in the knowledge that police powers can suppress what the people do not wish to have."

We can only go "beyond the health crisis" by re-orienting our goals and reordering our priorities. Let us then sketch some of the specific problems that are present at Cook County Hospital before we offer some possible solutions to the problems:

In summarizing the many specific problems uncovered in our long standing (it got underway weeks before the crisis announced February 19, 1970) and continuing investigation of health services available to the poor, we find that they can be classified into several broad categories:

I FACILITIES, EQUIPMENT AND SUPPLIES

Generally, there are shortages in each area; much of it is outmoded and inefficient; some basic equipment expected in a modern hospital is simply absent at County Hospital. It was noted that many costly repairs, additions and renovations have been costly and wasteful. The classic is the progress in construction in both the A & B buildings. Also, the intercom system, installed a year ago, has not functioned properly since installation!

Bathrooms and other toilet facilities are incredibly poor! In some situations males and females have to share the same facilities.

Maintenance and housekeeping are wanting in all areas. There is much more, but let us go on!

II PERSONNEL

Severe personnel shortages are present throughout all levels and in most departments. For example, in the Department of Medicine it was stated that only 29 nurses are employed out of 109 postions available, leaving 70 positions unfilled! Officials at Cook County School of Nursing told the Department that they are unwilling to hire any more nursing personnel because of the discrepancy in ratio between supervisory and untrained help—this despite the fact that on one ward of 96 patients there were only 3 R.N.'s available during the 24 hour period of March 2nd - March 3, 1970.

All personnel, due to the shortages, are overworked and each departments' performance is detrimental to the other. Thus, a vicious cycle is created and perpetrated.

III ADMINISTRATIVE ORGANIZATION AND COMMUNICATIONS

Health services at Cook County Hospital are delivered in a manner which reflects the fact that we have a hydra-headed monster. Several "empires" are present in the complex, creating in-house politics that puts any others to shame. The net results are:

1. A nursing service department that is operated independently of the central hospital administration;
2. A school of nursing that trains only an average of 35 nurses per year to supply service personnel, obviously failing in its obligation to the County Board for supplying adequate nursing personnel;
3. A Laboratory Service which can turn services on and off and sequester funds from the hospital at will;
4. A governing commission that, in its infancy, cannot begin to understand its tasks due to the complexity of the inner and outer politics that have prevailed for decades! They will not be able to understand or perform properly for several more years.

Ladies and gentlemen, what I have said about the local health problems can be applied to any metropolitan area of this country. In fact, some of the urban problems are also seen in our rural areas in greater or lesser degree. There are severe shortages in personnel, facilities, equipment and supplies which, when considered totally, give a miserable picture of the health situation in the richest country on earth. Of prime importance, however, national health policy is in a confused state, especially at the Executive level. This was a major finding of the U. S. Senate Subcommittee on Executive Reorganization, Chaired by Sen. Abraham Ribicoff. According to the Subcommittee we will spend $20.6 billion by fiscal year 1971 for various health programs spread out over 24 separate departments and agencies. More frequently than not, these various units compete with each other and set up various programs that go in the opposite direction of each other. The public and particularly the poor components suffer as a result. Thus, there is maldistribution of available federal funds as well as poor utilization of those funds to implement clearly defined congressional intent as expressed through various legislative items over the past several years.

Underway in Detroit, Michigan at this hour, for example, the medical students at Wayne State University are going out on strike to protest the utilization of state and federal resources affecting their medical school and the Detroit General Hospital. In that situation, the Health Manpower program has committed $15 million to expand medical school enrollment and medical center building programs but the University administration has held up the project because state allocated funds were used elsewhere in the university under the discretionary powers of the university president. The potential result: total collapse of Wayne State Medical School and further deterioration of Detroit General Hospital markedly affecting the care of the underprivileged in the City of Detroit!

We can only solve our health crisis by implementing the public policy that every American has a right to good quality medical care. In order to achieve that right we must have a unitary approach to developing systems of health care delivery. The prime leadership *must* come from the federal government. I believe the private sector will respond favorably to such leadership and certainly our state and local health officials would consider it desirable to do so. I wish to make it clear that I am not talking about socialized medicine or medicine delivered by government units. What I am saying is appropriate governmental programs that assure every American freedom of choice of physician and type of services available to the general public. I have some specific recommendations to that end:

1. Create a Department of Health at Cabinet level that would be responsible for all aspects of health in this nation. Health care is too important an area to be mixed with other government activity in what has become a huge monster called Health, Education and Welfare. Further, the health industry is the fastest growing industry in America and will tax the present bureaucracy in a manner that would limit its ability to respond.

2. Appropriate in next fiscal year sufficient funds to guarantee an adequate production of health manpower, currently estimated by Senator Ribbicoff's subcommittee at $1.2 billion per year for the next 10 years to guarantee adequate numbers needed by 1985.

3. Allocate approximately $10 million per annum for the next six years to enable students with parental income less than $10,000 to pursue a medical education in order to increase the pool of potential physicians and to offset the fact that this nation currently relies on 20% of our physicians coming from foreign countries year after year.

4. Encourage regionalization of health activity by combining some of the legislative ideas already embodied in current legislation. For example, one could combine the Partnership for Health Act and the Regional Medical Program for Cancer, Heart Disease and Stroke.

5. Develop a nationally financed health insurance program, administered by the private sector, individuals being subsidized on the basis of ability to pay. Emphasis here is placed on one system of financing rather than categorizing the poor or near poor. Medicaid would be eliminated entirely under this system and Medicare would be modified in light of it but probably left on its own for those over 65 years.

6. Develop legislation that would phase out the so-called "Charity Hospital" since every American has a right to the best quality medical care available regardless of ability to pay.

7. Develop legislation that will promote the rehabilitation of individuals for greater productivity at whatever level of rehabilitation achievable by such individuals. This means giving life to the concept that every American has the right to life, liberty and the pursuit of happiness.

8. Develop legislation that will provide tax relief to those of us in medicine who practice in the urban ghetto and rural areas as a method to redistribute health manpower during the transitional period pending our restructuring the health care system of this country.

Mr. Chairman, Honorable Senators, Ladies and Gentlemen: It has been a great pleasure for me to appear before you today and advance some humble opinions as to how we can overcome the grave crisis affecting health care for our people. This nation can and must make a solid commitment to overcome the problem, but the hour is growing late. I strongly urge this Committee to continue its work until the problems of nutrition and basic human needs are met. Improvement in health is the first step in improving the general welfare.

Thank you for your invitation.

[From the Chicago Sun-Times, Mar. 15, 1970]

PERCY SEES GROWING MEDICAL CARE CRISIS

The medical situation in Illinois is "so bad that you have to use influence to get a doctor in many cases," Sen. Charles H. Percy (R-Ill.) charged Saturday.

Percy spoke at a press conference held in a crowded second-floor hallway of the County Hospital which, because of a shortage of doctors, is on an emergency-case-only basis.

"I've talked to patients here," said the senator, sitting in the corridor at a desk next to Dr. Robert J. Freeark, the hospital's director. "And they've told me it's common to wait four to six hours after they get here before a doctor can look at them.

"A couple of weekends ago, I found 65 patients, both men and women, sharing a single bathroom. Conditions like these in an affluent society are unendurable."

Dr. Freeark nodded in agreement, when Sen. Percy said fewer and fewer doctors are applying to work at County Hospital.

"County Hospital needs 144 new applications from doctors this year, but will get only 44. We are undergoing an absolute crisis in health care."

Sen. Percy charged that County Hospital is ridden with politics. Before the crisis is solved there, he said, "we've got to get politics out of the handling of the sick."

He told newsmen that on election days, many County Hospital politically-sponsored payrollers get out the vote in their precincts, "often taking some patients along with them."

The federal government has the greatest responsibility for meeting the health care crisis, "although we all must share in it," Percy said.

"For the $12 billion spent on the Safeguard missile system—a system of missiles to guard other missiles—you could build 100 medical schools at $20,000,000 each and spend $5 million each year to maintain them for 20 years."

"That was one reason I voted against the ABM."

Illinois is short 7,000 doctors, Percy said. The doctor shortage hurts not only the poor but the middle-income people, he declared.

A reporter interrupted to ask how he would vote on President Nixon's nomination of G. Harrold Carswell for the U.S. Supreme Court, but Percy refused to answer because, he said, he wanted to stick to the medical issue.

As Percy spoke, patients in wheelchairs lined up against the corridor wall along with nurses and other hospital aides.

"We have here as resources, the great medical schools," he said. "We must start to think of this (the County Hospital crisis) as part of the whole problem.

"The County Hospital is misnamed. It's not only a county hospital, but it's actually a state-federal hospital. It gets 32 per cent, or $20,000,000 from the federal government. Both state and federal financing provides for 66½ per cent of its budget, and the county pays a lesser share."

Percy said that the closedown of "obsolete" military installations throughout the country was proper and could work to provide the funds needed to solve the medical crisis.

[From the Medical Tribune Report, Apr. 6, 1970]

REPORT TO SENATE CHARGES LACK OF A NATIONAL HEALTH POLICY

SENATE UNIT FINDS NO NATIONAL PLAN FOR HEALTH CARE

Washington, D.C.—There is no national health policy to provide form and direction to Federal health programs that are spread over 24 separate departments and agencies and that will cost taxpayers an estimated $20.6 billion by fiscal year 1971.

This was the major finding of a report, "Federal Role in Health," of the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations.

The subcommittee also found that "there is no central body or group within Health, Education, and Welfare Secretary—submitted the report after conducting hearings that began in April, 1968. The report was based on the hearing record, correspondence with Federal officials, and subcommittee staff investigation.

Even HEW has admitted, in answer to a staff inquiry, that "up to and including the present, there has never been a formulation of national health policy as such,' the subcommittee said.

The subcommittee also found that "there is no central body or group within the Executive Branch that is responsible for developing Federal health policy and evaluating Federal performance in light of that policy."

It submitted these five major recommendations:

A high-level Council of Health Advisers should be established in the Executive Branch with responsibility for formulating a national health policy.

HEW should be reorganized to provide for an Under Secretary for Health with assistant secretaries in charge of budget and planning, science manpower and education, health care services, and consumer protection.

All health-related functions of the Commerce Department and the Small Business Administration should be transferred to HEW.

The Internal Revenue Service should investigate SBA-financed hospitals that have converted to nonprofit management to determine whether individuals are using Federal money to develop tax shelters.

The General Accounting Office should investigate Federal hospital construction programs to determine how well the six departments and agencies involved evaluate projects in light of the needs of the total community. The object of this investigation would be to avoid unnecessary duplication of facilities.

The 1968 hearings on health care in America, the report said, convinced the subcommittee that the "nation's private health care system was on the verge of crisis." From that testimony, the subcommittee developed these conclusions:

Large numbers of the poor received improper care or no care at all. The middle class felt financial pressure of high-cost care and lived in fear of a prolonged and expensive catastrophic illness. Care received was often fragmented and impersonal. The quality of care was often determined by accidental factors, such as where a man lived or worked. Specialization reduced the number of physicians to the point where many people turned to the hospital emergency rooms as their family doctor.

Also, health insurance plans that paid primarily for care administered in hospitals encouraged the most expensive care possible. Health professions and services failed to keep pace with advances in medical science and changes in society and appeared more organized for the convenience and concern of their practitioners and institutions than for the health needs and financial security of the patient.

Over all, the subcommittee said, the "chaos and disarray of private health care services generated deep concern about the effect of Federal programs on the private health care system and the proper role for the Federal Government in the whole field of health."

One of the most outspoken witnesses was the former National Institutes of Health director, Dr. James A. Shannon, who is now Professor and special assistant to the president of Rockefeller University.

He described Federal health care delivery programs as a "broadly decentralized" and "highly fragmented" set of "patchwork" activities that "makes it difficult to consider broad issues in a coherent manner."

The subcommittee charaterized the Federal health programs as comprising

The subcommittee characterized the Federal health programs as comprising difficulty managing." Even the nation's top health officer, Dr. Roger O. Egeberg, HEW Assistant Secretary for Health and Scientific Affairs, has control over just 22 per cent of his department's health budget.

All witnesses, the report said, agreed more emphasis must be placed on programs dealing with health manpower. Testimony at the hearings indicated that the United States is dependent on physicians educated abroad. A total of 20 per cent of the physicians licensed each year are currently coming from foreign countries.

The subcommittee estimated that an expenditure of roughly $1.2 billion a year for 10 years would be needed to produce the number of physicians the country will need by 1985.

The subcommittee also said that witnesses frequently suggested organizing medical practice on the basis of prepaid group practice rather than on fee for service.

Chairman McGOVERN. We have two additional witnesses who have asked to be heard briefly. Alderman Singer has sat here all day long listening to these hearings, as has Mr. Louis Archbold, and I'm going to ask that each of them take a few minutes to make some observations.

Perhaps, Mr. Archbold, if we could let the Alderman make his observations first, then we will call you in just a moment.

STATEMENT OF WILLIAM S. SINGER, ALDERMAN OF THE 44TH WARD

Alderman SINGER. Mr. Chairman, Senator Percy, I will be very brief.

I first want to correct the record. I had to leave the hearing for a short period of time.

I was impressed at the beginning of the hearings with Senator Percy's statement that the reason we are here is to seek solutions. Not in any way to downgrade the statements made, especially the excellent statements made just before me, I am sure that many of the problems regarding hunger and malnutrition, and health care, are familiar to you and have been for some time, and, as Senator Percy said, Senator McGovern is probably the best informed man in the country on these problems.

I would rather just concentrate on a small portion of the hunger and malnutrition and health crises in America, and just talk for a very brief moment about a particular area of my own concern, which is school lunch, and school breakfast programs. I think it is particularly appropriate to follow Dr. Mendelsohn who discussed the double standard for school breakfasts and school lunches.

I was also impressed by Dr. Brooks' statement when he said that we are not going to solve the whole problem in the city of Chicago, but we ought to fight the battle.

I would just like to read into the record at this time some statistics which talk about the state of the battle in the city of Chicago.

I would agree wih Dr. Brooks that the city of Chicago is not going to be responsible for solving this entire crisis. But the city of Chicago can tackle a small part of it, however, and I think it is important to know where we are going in terms of school breakfasts and school lunches.

The city of Chicago has approximately 557,000 students in the public school system. It feeds approximately 181,000 type A lunches per day in the city of Chicago.

116,000—you have heard the 181,000 figure before, but that is not the free lunches: only 116,000 of those lunches are free. 64,000 of those are paid, which means we are feeding 181,000 students out of 557,000, but only 116,000 out of 557,000 are getting free lunches.

The best estimates show that approximately 200,000 students in the public school system could use a free lunch every day.

Now, another one of the problems in the statistics, and I think we ought to state this, is that only 320,000 schools in the city of Chicago serve hot lunches, and there are 550 school buildings in the city of Chicago. An additional 62 schools serve a cold lunch, which are funded by the Federal Government.

Of the moneys that are received by the city of Chicago for the school lunch program, 20 cents comes from the Federal Government, 4 cents additionally from the Federal Government for the type-A lunch, and 15 cents from the State of Illinois.

Now, the truth of the matter is we are not doing very much. The city of Chicago is appropriating no funds at all towards the school lunches.

The State of Illinois is appropriating some money through the legislation which has been mentioned here, sponsored by State Representative Robert Mann.

The fact of the matter is that we are missing many schoolchildren who need a free school lunch, and although I would concur with Dr. Mendelsohn's philosophy that we ought not to have a double standard, and feed as a matter of right rather than as a matter of need, I am disturbed by the fact that we have only made a modest start on feeding those who are in need.

We have made a stride forward, because 116,000 in the free lunch program is a 1,100 percent improvement over the last 2 years, and this is mainly because of the bill passed by the last session of the legislature known as the Mann bill, or should I say Mann Act.

That is the prime reason, but I am even more struck by the state of the system regarding free breakfasts or the entire breakfast program.

There are only 8,000 people receiving—children receiving breakfasts in the city of Chicago right now.

Of those 8,000 breakfasts, very few are free. It costs the city of Chicago Board of Education 25 cents to pay for that school breakfast; 15 cents come from the Federal Government, 10 cents comes from the child.

There are very few children being fed free breakfasts. It is discretionary with the principal, which is, I think, a mistake, that it should be discretionary with the principal.

Again I would advocate that a breakfast program is essential for all children as a matter of right, but we have done so little even for those in need. Perhaps, if we were to make it as a matter of right we would avoid and overcome all our present "hang-ups" with a free program.

The model cities program now has agreed that it will fund breakfast programs for 37,000 additional students in the model cities areas. However, there is no guarantee that model cities funds will be available in the years to come, let alone next year, and the year thereafter.

The stark reality of it is that in Chicago we can estimate 200,000 students needing a free breakfast, excluding those who might be able to afford it.

If we fed everybody as a matter of right a free breakfast in the city of Chicago, it would cost $23 million a year. That is approximately 500,000 meals at 25 cents a meal, at 185 school days per year, or $23,225,000 a year, just for everybody.

If we only, on the other hand, fed those needy children—and I am willing to say we must start somewhere—if we only feed those needy children, the cost would be about $6 or $7 million a year.

Now, the fact is the city of Chicago again is paying nothing towards that, nor is the State of Illinois at the present time—although the Governor's budget does contain $1 million for a free breakfast program statewide, which, of course, is really a drop in the bucket in terms of what is needed.

We need $6 million to fund a needy school breakfast program immediately for the school year 1970–71.

We need that money today, and I have sponsored a resolution in the city council asking that the city search Federal and State sources for this money. If it's unavailable, we should fund it ourselves—$6 million would be about 1 percent of the total budget of the city of Chicago.

I am not here, really, to tell you gentlemen, however, the problem in funding such a program—even to the extent of $6 million. You and I both know—you better than I—the problem of our national priorities, and the availability of Federal funds.

But I think it's clear that if the Federal, State, and local government could jointly come up with $6 million, I would love to see the Senate of the United States say, "We will pay one-third if the local government and the State government will pay one-third." It will only be an expenditure then of $2 million just to reach the needy, and that is, I think, a big step forward for the city of Chicago.

I would say in conclusion again you gentlemen have listened all day to all of the testimony, and on the whole host of problems of hunger and malnutrition. I would just say that perhaps above all, our children are our most important resource, and above all we ought to, if for no other reason that it would help us with the welfare system, it would drain off, it would permit us to be more flexible with the welfare system if we could, as a matter of right, feed children in our schools—particularly breakfast and lunch programs.

Thank you very much.

Chairman McGovern. Thank you ever so much.

Senator Percy. I would like to ask just one question of the alderman.

How much do the children get charged in the school for a half-pint of milk now?

Alderman Singer. The best estimate—I was asked this before I came up—the best guess I have—and I am reading here from a statement by the Chicago Board of Education—is that they are charged 4 cents per half-pint. Let me read this to you. It doesn't make exact sense, but it says:

> The special milk program designates that schools with lunch programs operating in the National School Act, will receive a reimbursement of 4 cents per half-pint furnished in connection with the type-A meal.
>
> When purchased separately, the cost of 4 cents per one-half pint plus the reimbursement allowance barely balances the price set by local dairies.

I assume, therefore, the price is 8 cents, and the 4 cents is supplied by the student, but it is not perfectly clear from this. I would not rely on this.

Senator Percy. Could we ask the mothers in the audience, how much do you pay for a child's half-pint of milk in school? Does anyone know?

(No response.)

Senator Percy. Thank you very much.

Chairman McGovern. Alderman Singer, these are most helpful statistics and information you have given us. We appreciate it.

Now, our last witness is Mr. Louis Archbold. I appreciate your staying, Mr. Archbold.

STATEMENT OF LOUIS ARCHBOLD

Mr. ARCHBOLD. Thank you, Senator.

I am going to read a small piece from a newspaper in February, and this pertains to a visit to the area which is Elk Grove Village, which is in the northwest suburb of Chicago, and the area was visited by Lt. Gov. Paul Simon of the State of Illinois.

> If the only place man has to live is a chicken coop, you are not doing him much of a favor by tearing it down, declared Lieutenant Governor Paul Simon. He visited Mexican-American families of field workers squeezed into chicken shacks. The county wants to tear down the shacks because they are unlivable. This is a deplorable situation, Simon declared. The people who find themselves in this predicament can't just be thrown out in the cold. We have to allow them and the public agencies more time to find new places. The real solution to the problem is more and lower model cost housing in the suburbs, he said.

This statement was made by the Lieutenant Governor of the State of Illinois in February after he visited our area.

I became involved in this area Thanksgiving of last year, when three children died in the shack in Elk Grove Village following a fire. As a result of the actions of the village and the county authorities, 17 families were evicted.

A group of concerned citizens, of whom I represent, took these families and put them into motels, and we paid for the motels ourselves.

I have here in my pocket bills for $3,000 for motels.

We fed these families in the food program over the Christmas period because there was no cooking facilities in the motels, any more than there was in the shacks.

We charged 50 cents for the adults and 25 cents for the children for an adequate meal once a day.

Senator Percy said earlier perhaps the churches could be used. We did use the church for this purpose. We used the Lutheran church. We used their cooking facilities.

There are, according to Lt. Gov. Paul Simon again, 600 families still living under these conditions in the northwest suburbs, and there are 1,262 such shacks with families in them by the U.S. census report, and I am going to ask you Senators here today to eliminate one form of poverty in the United States, and that is to make the codes pertaining to housing of migrant workers enforceable in the United States, and by doing this you will eliminate a major portion of the poverty in the United States.

You have today, codes regulating the housing of migrant workers, but these codes are not enforceable. These codes are only enforceable if the employer, whether it be a farmer or a nursery grower, invites the Federal Government to supply the labor, and then do so from taxes in Arizona and other parts of the States, and then the Federal Government can come in and inspect the housing that he has for these people he has requested from the Federal Government.

But this is not enough. If the Federal Government can make it mandatory, or make the laws enforceable that anybody housing employees on the property, whether it be migrant workers, farmer—farm workers, domestic workers, and also the conditions in which these people—the conditions under which they work in and live in—I have seen people in the northwest suburban area—Senator Percy knows, it's his area, the 13th Congressional District—and I have seen some of the worst poverty I have ever seen in my life—and I have traveled extensively. I have seen people walk 2 miles for water: shacks with no heat and no light and no running water; no bathroom facilities at all, and they still exist.

I have pictures of them here, and I will be glad to leave them with you Senators. And these pictures were taken with the official police photographer of Elk Grove Village.

Now, as a result of the actions of the county and the Village Trustees, Elk Grove has eliminated the shacks from its area; but there are still remaining in the northwest suburban area 1,300 shacks with families ranging from four and five children up living under the most deplorable conditions, and to give them food, as you said here earlier, all you are doing is feeding the rats.

I will say one thing: you have got the healthiest rats in the world in this country, but that is all you are doing is feeding the rats.

We need to supply the people a hot meal, and other than using the churches for this we can use the schools. The cafeterias in the schools can be adequately used for this purpose.

Chairman McGOVERN. Thank you ever so much for your statement, Mr. Archbold. I am not sure I am quite clear on this area that you are talking about.

Mr. ARCHBOLD. It's the northwest suburban area of Chicago here, and there is approximately 3 million people in this area. But it's a very affluent area.

Senator PERCY. I would say it's a case of the picture being better than a thousand words. These are——

Mr. ARCHBOLD. They were taken by the——

Senator PERCY (continuing). Pretty shocking conditions.

Mr. ARCHBOLD (continuing). Police photographer, Senator.

Chairman McGOVERN. We do want to thank you for your testimony, Mr. Archbold, and beyond that, for waiting around all day.

Mr. ARCHBOLD. Thank you.

Chairman McGOVERN. We appreciate your patience and your concern about this problem.

Mr. ARCHBOLD. I would like to see some legislation, though, pertaining to the housing of the people who are crossing State lines for this purpose.

Chairman McGOVERN. We appreciate that, and want to thank you for your testimony.

That concludes the hearing of our committee in Chicago today. Senator Percy and I, are both grateful for the people in the audience who have stayed with us during these hearings.

I am sure that it's out of discussions of this kind that not only the people in this room, but those who will watch these hearings on television, or hear them on radio, or read about them in the press, get the kind of public understanding that it is going to take to put an end to hunger and poverty and human misery in this country.

So we thank you, both for your attendance and your concern during the day.

The hearings are adjourned.

(Whereupon, at 4:15 p.m. the subcommittee was adjourned.)

APPENDIX 2

(Chicago, Ill.)

STATEMENT OF THE UPTOWN AREA PEOPLE'S PLANNING COALITION

(Charles Geary, President, 4700 N. Magnolia; Earl Billheimer, vice president, 920 Lakeside Place; Sharon Garner, office secretary, 1063 W. Ainslie; Irene Hutchison, program coordinator, 4423 N. Beacon.)

More than ten thousand poor people live in Uptown. Senior citizens, sick and disabled people, families who can't get enough money to live like decent human beings, not even enough to feed their children. Every day more people are being laid off of their jobs, more people are being turned away when they go looking for a job. Chicago's answer is to have a program to teach the southern migrants how to live in the city, another program to get A.D.C. mothers out to work, and still another to spend a lot of money trying to get families off of welfare. How can a family get off of welfare if he can't work or can't find a decent job? Mothers can't work when there is no day care for small babies and no care at all for school age children, not even decent schools whert they can get a good education.

Southern migrants can live anywhere just as well as anyone else, but nobody can be taught to live in the hell of a city slum, not black or red or yellow or brown or white! And above all, people must have food in their stomachs before they can do anything.

Thousands of people in Uptown need food every day of the week, they need it now. Its time to stop playing games with the lives of human beings. The life of every man, woman, and child in the world is valid because he was born! There is no other way of looking at human life in a democracy where all men are supposed to be equal.

Some of the programs being talked about now are band aids on a bleeding wound, especially when they will be run by agencies whose only purpose is to find ways to keep people running to knock on their doors begging for help. The agencies that have kept the people in their poverty and suffering are no longer wanted. We know that they are only tools of power, using our tax money to keep themselves going and prevent the people from having anything to say about what is going to happen to them.

How long has hunger been studied? How much longer must it be studied before some of the wealth of our country will come down to bring food to the poor people? What kinds of jobs are being planned for people 75 years old so that they can get out of their wheel chairs and earn their own living instead of living off of the tax payers? They pay taxes too. Why must they go hungry in the remaining years of their lives in a country as rich as ours?

Its time for real solutions to the real problems of real live human beings. No more Mickey Mouse programs designed to make the people in other parts of the city believe that we are being helped, when we are only being used to allow this city to use federal funds in programs that increase the strength of the political machine and the financial institutions, and leave the poor even worse off than they were before.

The Uptown area peoples planning coalition demands, as necessary to the survival of our nation as a democracy, one nation under God, with liberty and justice for all:

1. The adoption of Senator McGovern's proposal of a guaranteed annual income by abolishing the six hundred dollar income tax deduction for children, and giving an allowance of fifty dollars for each child. President Nixon's proposal will solve nothing. This proposal will wipe out most poverty over night!
2. An immediate emergency appropriation by the city of Chicago of thirty-five million dollars to establish a department for abolition of hunger in Chicago.
3. A full service public aid station in Uptown, including general assistence, employing public aid recipients in operating and establishing policy for this station.

The military budget f this country can be cut by fifty million dollars without endangering the safety of the nation. Senator McGovern's proposal will cost ten billion dollars for the first year. Forty million dollars less to give life than it takes to kill!

The immediate saving of the future of thousands of little children in the city of Chicago can not be measured in dollars and cents. They cannot wait for federal legislation to help them. It's time for Chicago to turn from the building of a multi billion dollar empire over the suffering of helpless people and begin the real work of preserving human life.

Until the problem of poverty is solved, and it must be solved, all of the problems of welfare people outside of the one of too little money, can only be solved by a local station where seventy five percent of the northern districts case load lives, right here in Uptown.

HARRIS COMMUNICATIONS,
April 22, 1970.

Re to feed the hungry.
JERRY CASSIDY, Esq.
Senate,
Select Committee on Nutrition and Human Needs,
Washington, D.C.

DEAR JERRY: I am enclosing a full script of "To Feed The Hungry." This film was a co-production done by WTTW and Harris Communications, Inc. The director was Jack Sommers.

Please let me know if you require further information regarding the inclusion of this script in the permanent record.

I am also enclosing a sample of our new brochure for your records.

Regards,

WILLIAM W. HARRIS.

TO FEED THE HUNGRY

MOTHER WITH CHILDREN AT TABLE

Narrator: Early Saturday afternoon in Evanston, Illinois. Four and a half hours before, the children of this household had breakfast and now they are assembled for their noon day meal. It is a quick and simple affair—soup, bread, meat, several vegetables, plenty of milk, and there will be fruit and ice cream to follow. (More of table conversation) The children will go back to play well fed until they come together again in six hours for a larger meal at supper. For most Americans, this scene is part of a normal pattern of life; but for millions of people in this country, the only regular thing about eating is that there is never enough.

Narrator: In this household, 12 miles from Evanston, in Chicago's South Side, it is 4 o'clock on a Saturday afternoon. The mother of the family is preparing what will be the second and final meal of the day. Breakfast, of cereal and toast, was served eight hours earlier, and the five children and two adults will not eat again until noon on Sunday. The ingredients of the meal are few and they are carefully consumed. (Background) The children will have water to drink, and later the parents will have a cup of instant coffee.

Mother: (Figures) (Following presence) I don't any milk because milk is too high. Ah, there is times I get it every once in a while because I can't keep it. It's a dollar and four cents a gallon.

Mother: Another bite and you can have dessert. Another bite. Oh, that's marvelous.

Mother: (Garbled, brief).

Narrator: The contrast between these two families is harsh, but not exaggerated. For the hard and increasingly alarming fact is that there is great want in the midst of American plenty, and this complex imbalance is clearly evident in the city of Chicago.

Man: (Garbled, brief).

Narrator: In Chicago, indeed in any large city, it seems strange to think that anyone could go hungry. There is such a visible abundance of food. Stores stacked high with meats and breads and vegetables. Supermarkets in Illinois sell fifty to sixty thousand dollars worth of goods a week, and in any one of them there may be over 7000 different food items on display. And within these walls of plenty it is hard to imagine that there could be numbers of malnourished, even starving people, very close at hand. No one knows exactly how many people in Chicago are hungry, for no accurate surveys have ever been made. One current estimate states that there are over six hundred thousand people in the city who daily experience a measureable degree of hunger and it is likely that that figure is much too low. Measurements are vague and the major reason is that hunger is chiefly lodged among the poor by the limited claim to public attention. One group among the poor whose existence is always a close battle with starvation, are the men and women on the welfare rolls of Cook County. There are currently 340,000 people receiving public assistance and monthly budgets are made out for each person. Food allotments are calculated on the basis of 26¢ a meal for an adult. But many women find it difficult to feed a family on what they receive.

Cleveland: Well, if I had a hundred dollars a week to feed my children we'd eat like kings and queens, if I could spend it all on food. But if I had to take that hundred dollars you give me for food, and I have to take fifty dollars out of it a month to make up my rent, thirty dollars to buy all the kids a cheap pair of gym shoes, maybe fifteen dollars of that and run back and forth to the doctor with in that month, and all the other things that are involved, then I really, I'm starving because I really don't have any food.

Klinger: We do not have the dramatic kind of hunger that you find in Biafria. We have a hidden kind here. The kind that you find only after you talk with a person or after a good deal of observation. You ask a person how often they think about food, ah, you'll find that they think about food ninty and ninty five per cent of the time. The mothers are beside themselves how to prepare food, how to make it stretch. Public Aid will not give a hundred, more than a hundred and five dollars to any family, no matter how many kids, because that's the rules, so that what Mamma has to do is that if she's got four children, ah, and in most instances, cannot find a, an apartment in the ghetto that costs a hundred and five dollars or less, she's got to get the money to make up the difference from somewhere, and she frequently will take it out of the food money because this is the most flexible item in the ah, budget.

Figures: We don't have enough to eat, in fact his clothes, and furniture, and the school and buy paper, and also some things—so many places that this money has to be put that we don't have enough food. And the prices of food have gone up and the budget money remains the same. If you need school supplies you had to take it out of the food budget, we have to take rent out of the food budget, we have to take utilities out of the food budget, we have to take the laundry and dry cleaning out of the food budget. So that cuts the food down.

I paid my rent and I can still buy a little fruit but how do we have to pay them first, and then buy food later and so that makes me and the kids go without food when I find out that we have to pay our rent first. We don't have any food because we have to pay housing first. How can you clothe a kid with nine dollars and 26¢ or a teenager, from 13 years up to 18 years. (We have to use money for our rent. So if we can just get the price of clothes, the price of utilities and the price of rent, then we can afford, then we can use our food money for food.

Mother (Thurman): And we don't really have all the money because like you say we have to pay out of our food allowances, ah, we got to, we got to buy, pay the excess rent if we're renting, and Welfare won't pay but a certain amount. We got to pay, if you over-use your utilities, you got to pay for that out of your food money. There's a problem ah, in ah, lead poisoning, it's the highest rate of lead poisoning and lot of times you see kids picking the plaster—tastes pretty good. I used to eat it. I remember, I used to love to taste plaster and 2 to 1 I might even have some in me, I don't know, because it can, it can really cause brain defects ah, from eating lead poison. I have a little child who will never be well anymore because she, ah, had lead poisoning. I take very seriously the little pamphlets that ah, Cook County Department of Public Aid puts out, you know, with meals of the month, and suggestions for nutritional food and everything, and all of these things are supposed to be economical cooking, and this type of thing. Ah, recently I read one of the pamphlets that was talking about the ham bone that you were going to use to make soup or something with, ah, and at that point, you know, I stopped to think, 'My God, I mean, you know we can't even afford the ham so I was just wondering where we were going to get the ham bone from.

Klinger: And what a lot of our legislators and even our medical societies are saying to these people, they are saying, you have to be more frugile than an economist, you have to be more educated and imaginative than a dietition, and you have to be more versatile than people who are more well to do than you.

Cleveland: I have six sons, four of them are sickly children. I have one that has ah, rheumatic heart condition. I have a son that has tuberculosis of the bone, and then I have a son that ah, has a problem with his eye, ah, a couple of months ago a little boy hit him in the eye with a broken bottle and he's lost the sight of this eye. I also have a son that is severely asthmatic. When he has an asthma attack, generally in the middle of the night, there's no money to get a cab, you know, and it should you have a little extra money on hand, where do you think it comes from, your food allowance, and that's another week's worth of milk, bread or whatever. It's gone, you know, because your child has to go to the doctor to get this treatment. Yeah, I do feel like I'm in an endless cycle. Ah, the only hope I see is for myself is that ah, betterment for my children. I strongly feel that hope is gone for for people that are my age already, and I'm still a young man, but I really feel that hope for me is almost non-existent, as far as having a really decent type of life, because I think our legislators move much too slow, but I have to firmly believe that there is hope for my children. And I fight for this and I believe in it. And if I didn't feel this way, I don't know what I'd do. I I don't know how I would cope with life period. I don't know how I would stop from going on a rampage and maybe committing mass murder because I feel, would feel that that would be the only decent solution. I pay taxes, just like everybody else pays taxes. I have six sons, and I feel like I'm equally important as any other person in this way.

Powers: (Singing) . . make Heaven my home. For many long years through this world I have roamed, just thinking of a day's that to come, but now I have changed and I want the world to know that I'm going to make Heaven my home. I'm going to make Heaven my home, sweet home. I'm left in this world all alone. No mother, no dad, I've lost all I've had, and I'm going to make Heaven my home. (Continues as background)

Grisham: Uptown is what we call a port of entry area for Southern white migrant families, principally from Alabama, Kentucky, Tennessee, and West Virginia. We have about 8,000 Southern white families here in the Uptown area. I would say that on a monthly bases, about 2000 of these families need an emergency supply of food at some time or another during that month. When they come in, ah, they're coming to us, is ah, an expression of utter desperateness. What I'm saying is that ah, they're not here in Chicago, simply to get on Aid and Welfare. They they urgently need food, they need assistance. And in many cases we have to seek them out. We have to encourage them to come in. The need for food, emergency supply of food, and the whole daily pay and employment picture of the southerner in the city, seem to be tied in together. This is the way it works. An individual will go to anyone of the 21 daily pay offices that are here in the Uptown area. They will go in at 5 o'clock in the morning and get on the company bus and get a job and go out and work for eight hours. They may be performing a job that pays the company, or at least the employment company, something like $3.67 an hour, but the worker only gets a dollar sixty of it. So he comes home that night, and he picks up his check, and they average about eleven dollars and nine cents. What happens is that they take this check to say, a local bar, and they cash the check, and they buy we'll say, a couple of dollars worth of drinks. Then they go to a local A & P store and buy $6.45 worth of groceries. So they end up the day with about $1 to their name, but not really, because that day's rent, whether they paid it or not, or have to pay it on Friday, has cost them $4 for that one day. Rent here in the Uptown area for a rat-infested, roach-infested apartment, averages around $28 a week, or around $4 a month. And so really, he has no choice but to go out the very next day, and the next day, and the next day, and I'm talking now about 5,000 people a day that go out on daily pay here in the Uptown area.

Music again—For many long years (Grisham over).

Ah we find that hunger among Southerners in the city, basically is a circumstantial thing.

Music: That's to come. But now I have changed and I want the world to know that I'm going to make Heaven my home. (Following over).

Mrs. Powers: Well, I like living here. But I just think it's an unhealthy place for a kid to be in. You you get a place on a wall and they won't fix it. You got to put tape on it and just paint over it. Now I've got a big place right over there now, with tape on it. They wouldn't put the plaster back in it. You tell them something like that and it makes 'em mad. Everyone of my children's had lead poisoning (??Name????) and once, once this little girl here, Linda, and Debbie, and Rebecca both had it. And here about six months ago I took Linda Bell back, so everything's all right now. And I even told them about that, but they wouldn't fix the places in the wall.

Mr. Powers: I pay $30 a week for this apartment, ah this apartment's supposed to be furnished. And just about everything you see in this apartment belongs to me. It's, it's not the best, but it's better than what they had in. I asked them to take it out. I got my own. And ah, $30 a week, and it takes, for the groceries, it would take about $50 or $60 a week to half to do it for the grocery bill here.

Mrs. Powers: For their breakfast I make gravy and biscuit bread. For their lunch, well we usually snack, eat on a sandwich or somethin' like that because he'd be at work you know. And then at, ah I put on a kettle of beans, cook 'em, and some potatoes and cornbread for supper. And as far as having anything to drink with that, all I have is water, but at times I give them some milk if I have it to spare. See, my baby's on a bottle, baby, baby has to come first.

Mr. Powers: About ten year ago, I was, I'm from Tennessee, I was working down there, so the plant where I worked closed down, sold out, so I had to start lookin' for work, so I headed out for Chicago. I found work and I been here ever since, and there's times I seen the hard times in Chicago, cause just one in the family working and I have a pretty good sized family. Ah, I'm sick, can't work for a day or two so that makes the paydays short, but there's still plenty of work when I'm able to. I been here that long so I think we just ah, decide to make our home in Chicago as long as we can make it.

Mrs. Powers: Not—When they tear down these places it's going to be hard to find a place that will accept you with 7 children. They'd rather have dogs and cats instead of little kids. There's places that way now.

Mr. Powers: These buildings are going to be taken away and highrises are going up everyday. And this whole neighborhood is on the map to go and we know it and ah, just seems like for poor people like us, it just makes it pretty rough on us, too rough, and what I, what I really think they should do, that's including Mayor Daley too, he ought to get behind these people that own these buildings and make 'em repair these buildings and fix them up so these people can live in them. And let them stand, that's that's the only reason they're tearin' them down is because they're not fit for people to live in. And that's the landlord's and the landlady's fault. They're just lettin' 'em go. And what they're doing, they're just getting money out of it and moving on. Everybody else is just root hog or die, is what I call it. They just make it hard for poor people.

Music with Powers: There's things in this old world that's so hard to understand. While we have to lose the ones that we love so, but it's wonderful to know when you leave this world below that you're going to make Heaven your home. I'm going to make Heaven my home, sweet home. I'm left in this world all alone, no mother nor Dad, I've lost all I've had, and I'm going to make Heaven my home. (Clapping)

Narrator: In the families on welfare or those who live on a slum margin of subsistance, it is the children who suffer most from hunger. But there is also within the city another group who—like the children—are particularly vulnerable to hunger. Elderly people are generally treated as marginal members of society. Neglected, often forgotten, their problems rarely attract wide or prolonged attention. There are over 400,000 men and women in Chicago over the age of 65 and more than a third of them live on less than $3,000 a year. Indeed for many who live alone, the figure dips to less than $1,000 a year. Rent and utilities are major expenses for the elderly as they are for any of the poor, but the special cost item for the aged is medicine. The need for frequent medication is common and the constantly increasing price of drugs steadily reduces the monies available for food. The elderly poor often face the cruel dilemma of courting starvation in an attempt to maintain their health. But even at their best, normal food allowances are rarely sufficient. A person receiving old-age assistance in Cook County is given $26.88 a month for food. If he is on social security there may well be more money to spend, but not very much more if the recipient is on the lower end of the federal scale and is trying to pay all his bill with $250 a month. The two men who live in this small two-room apartment have pooled their resources, divided the space between them, and together they live better than either could by himself. Joe Sullivan is a veteran, recently retired. His more aged companion, Lee Haedrick, receives social security and income from a pension. By careful regulation of expenses, the two men can almost make their own way each month. They still require some assistance. The Little Brothers of the Poor, a Catholic charity devoted to caring for the aged, regularly supplies small quantities of food to aid these men in their brave attempt to maintain their independence.

Haedrick: Well, umm, (   ) puts, pays about $60.00 a month for groceries, the two of us. He ah, he pays his rent, and then he, we put the ah, we always split the room rent; he pays half and me half. That's $50.00 a piece. And then, the groceries, why (   ) don't have, ah, most of the time we straighten out at the end of the month. And he buys them sometimes and sometimes I buy them.

Sullivan: He ah, usually for, he eats a very very little, eats a very light breakfast and he eats one fairly heavy meal a day and just lunches. He can't eat any meat so it—

Haedrick: I eat cereal in the mornings and such as that. I don't, can't eat no meat no kind. I eat cereal and I eat lots of milk.

Sullivan: See, we both get social security checks, and ah, I-I work a a few hours work a month; with the rent, way the rent is now, and the way groceries are, it's quite difficult sometimes. You know what I mean? I I could, I'd be getting much more money if I was on regular Social Security but I'm on what they call Social Security Disability. I've got one steel leg and ah, it's been nearly everyone I talk to, they they have to watch their pennies pretty closely. I say, if it wasn't for the fact that the brothers really help us you know, it would difficult to get along, but every, every month they bring out a package for both of us. And it's food staples you know, coffee, sugar, oh cookies, and canned goods, canned meat, canned soups, and ah fruit, candy, stuff that really comes in very hand, believe me. Without that help it would be difficult.

PRESENCE

Narrator: Hunger in Chicago is not wholly contained within the city. There are tributary lines of poor and ill-fed people coming in from the surrounding suburbs. There is a regular yearly flow of 3 to 5 thousand Mexican migrant laborers to farms in such areas as Chicago Heights. Their wages are small, their families are large and their diets, an unvaried mixture of beans, potatoes, water and flour. Many of these migrants leave the area each year as winter approaches, yet there is a steady accumulation of people who finding work in factories, move in toward Chicago where they join the other new arrivals from Indian reservations, from Puerto Rico and from the Southern United States. The poor have come to Chicago from many places and live in a variety of conditions. They are black and white, Spanish speaking and native born, recently arrived and life-long citizens of the city. But their common experience is that they have too little money to meet their basic human needs, and as a consequence many suffer from a constant—often desperate—shortage of food. But hunger, the immediate need for food is only the foreground of the question being examined. A shortage of food produces a deeper and more serious problem of malnutrition.

Mendelsohn: Malnutrition doesn't begin with the child, malnutrition really begins with the grandparents and it has to do with how the mother has been nourished and the mother, who is malnourished or poorly nourished during her pregnancy, presents special hazards to the child so that in populations that have a high degree of maternal malnutrition, there's also a very high rate of prematurity. In the central parts of Chicago, the incidence of prematurity may be as high as 10 to 15 times as it is in the more affluent suburbs surrounding Chicago. Infant mortality in the rich suburbs probably runs about ah, one fourth to one fifth what it runs in the inner city of Chicago. So malnutrition in the mother presents the child with a threat to his life. And not only does it pose a threat to the life of the child, but it also poses a threat to the proper development of his nervous system because there's been enough research now to indicate that when mothers don't get sufficient nutrition during the time that they're pregnant, the child may be born with a small head and there's some suggestion that this small head represents a diminution of the total number of the cells, of brain cells the child contains and so we not only end up ah, killing more children if you will, but we end up seriously damaging the ones who survive maternal malnutrition. (Examinations) Now let's start out ( ) by taking your height, good. That's fine. All right, now if you can turn around for me, and you want to look at me. I just want to look in your eyes. That's fine. Now let me see your teeth. Good. Fine. And your mucous membranes and the other one. And open up your mouth and stick your tongue way out. In medical schools there isn't much emphasis on the diagnosis, of the conditions leading to malnutrition or resulting from malnutrition. Ah, in order for a physician to properly identify cases of malnutrition, he has to be aware of these specific kinds of signs that occur in these children. These are not the kinds of findings that a doctor is likely to find in the average practice in this country. (Presence) Several things may happen to a child in his formative years. The most severe kinds of results are those that produce the traditional kinds of diseases like rickets, scurvy, and charity hospitals are on the ward services of private hospitals, one would find many children, I would say the majority of children, that have some degree of iron deficiency anemia. (Examination) well, Eddie has a case of hepatitis and this is another situation that's rather common in poverty population. And children who are, who grow up in malnutrition, develop infections, are always, or in general, are more serious than the people who are well nourished. Also, children who are malnourished have a greater chance of developing an infection of one kind or another. How 'bout you Linda, are you having a good time in the hospital? Chances are that a child that has iron deficiency anemia also has a protein deficiency and may have some other vitamin and mineral and may have general caloric deficiency. But above and beyond these kinds of effects, are the general effects that are more subtle and that aren't as easy to identify. (Examination) Forrest has something wrong with his lungs and we think that there's a possibility that it might be tuberculosis, and of course infectious such as this are much more common in groups that suffer from malnutrition than other kinds of populations. Are the nurses treating you right? (Yes) Umhum. Have you got any questions for me? (No) All right, that's fine my friend. We'll see you again. (Another patient) How do you do Mrs. Meddles, I'm Dr. Mendelsohn. Oh, sadness. Ah, what's her name? (Melanie) Melanie. Here, maybe Melanie would like to at least hold it. And I noticed that Melanie has some sores on her lips. Can you tell us, is that what led her to coming into the hospital?

Mother: Well, yes, at first we thought she swallowed some drain cleaner but when we took her in they took the test and they said she was clear from that but she had a case of thresh mouth and they found lead poisoning.

Mendelsohn: Umhum, well certainly is common among a lot of people, a lot of children will swallow poisons of one kind or another and certainly lead poisoning is a condition that's almost exclusively found among the poor, ah. How's she getting along here in the hospital?

Mother: Well, she doesn't like being here, but she's OK.

Mendelsohn: Um hum. There's no question that hunger has an effect on the ah, on the growth of children. Even more important than the effect on the physical growth is the effect on the intellectual growth. And it may well be that hunger and starvation are one of the chief causes of mental illness and a large part of the learning disorders and a large part of the school problems that occur in all parts of our country. You get a large range of psychological characteristics, including sleepiness, apathy, indifference; where children do receive proper nutrition, the transformation is quite dramatic. They end up changing from listlessness to enthusiasm, they change from school failures into school successes. And their, the incidences of infectious diseases, which is usually associated with malnutrition recedes dramatically. I don't know whether it's more important for a child to receive his basic immunizations or to receive his breakfast and lunch. I don't know whether it's more important for a father to have a job or for a child to have a good school. As far as I can tell we have to ask for the whole package at the same time. And the urgency depends on whether or not you're a child lying in Cook County Hospital with diseases that are caused by malnutrition, or whether you're in another hospital as a result of infections that are much more common in malnourished children.

or whether you're in with lead poisoning which goes along with lead poisoning, or whether you're a mother who's been eating clay or starch because they can't get enough food. I would say that the urgency depends on whose hungry. Certainly, there's no question, the best people to diagnose hunger are the hungry people themselves.

SUN-TIMES PRESSES

Narrator: In April of 1969, the Chicago Sun-Times began a long series of articles on hunger in Chicago. That series was the first public inquiry into the problem, and it has become one of the important documents on the crisis of hunger in a metropolitan area. It also has had a number of political repercusions and Mrs. Linda Rockey who researched and wrote the series, explains what happened.

Rockey: When the Sun-Times was published in April of 1969, the response was immediate and diverse, ranging from shock and profound concern to denial and ridicule. But it did result in widespread recognition of the problem. The state legislature called for an investigation. And for the first time in his 15 year tenure, Mayor Daley declared war on hunger in Chicago. Daley said that as long as he is mayor, no one will go hungry in the city of Chicago.

Daley: This is a program that I said time and again, we need to support and assistance of everyone, the churches, the communities, the women organizations, to give us the names, and as soon as we get the names, as I mentioned two weeks ago and three weeks ago, there is no need of anyone being hungry in Chicago. We'll have food for them in a matter of a few hours.

Rockey: Under the Mayor's emergency food program, a hungry family could go to one of 13 Urban Progress Centers to apply for food. The program lasted 36 days for a total cost of $132,000. The money came from a $325,000 Office of Economic Opportunity grant. The remaining money has not been spent. Did the Daley program work? Deton J. Brooks, Jr. city Commissioner of Human Resources and the man charged with leading the city's anti-hunger effort, thinks that it did.

Brooks: I think that it worked. It worked very well. It worked very well in in because, ah, the people that were identified were given a, ah, level of of some funds for a period of time.

Grisham: The way this program worked was that a family that was hungry would walk in and of course be subjected to all the red tape of the Progress Center. Wait in the food line, were asked all sorts of questions that were irrelevant to their basic need of food.

Mother: She asked me how many people were in the family. Why did I come and apply? When did I get my last check? Well, my check hadn't came, it was late coming, and I needed food. I was run out. She asked how old were the children. When was I born, where was I born at, and ah, how many rooms I had, and all this didn't apply. This didn't mean that I didn't need food. See, this wasn't the issue. The issue was that I was hungry.

Alberts: One of our patients who qualified all the way down the line—she was pregnant, she was judged as malnourished and anemia, she had no food supplies and the investigator came out and saw that she had enough food and said that it would be a few days before she got her voucher. Well a week and a half later she still hadn't received it; in the meantime, you know, we had been able to get some food for her, but this is just one instance and this happened many times.

Rockey: The emergency food program was criticized by many people for the procedure.

Brooks: Who for instance? I hear, I hear these broad statements made "it was criticized by many people", when you get down to specifically, certainly not the people who were recipients of the program didn't criticize, they were glad to get the food at that particular time.

Rockey: Oh, I think several, several of the people who participated in the program said that they felt the procedures were humiliating where a community representative had to go to their home and had to go through their house and make sure there wasn't any food there.

Brooks: Well, I didn't know the community representatives went through their house.

Mother: This is a rule, that we have to look in your refrigerator, to make sure that you need food because some people might come in and say they need it and they don't; and look in your cupboards. I was ready to knock her down, I told (her) send her on out. Anyway she sent the lady out to my house. She told me the lady would come out and after she looked in my refrigerator and everything, then she would give me a card to come back down there. OK, the lady came out a day later, she couldn't make it out that day—I guess she was looking in too many refrigerators—but she came out a day later. And she came in and I said I hear that you want to look in my refrigerator, and she said, "Oh, no no no, that's OK, I won't look in your refrigerator". I said, "No, you can look in it" and I almost had to make her look in it because she, I guess the woman had told her I said that I was waiting for her. Anyway, I wanted to show her that I didn't have any food and to show her how ridiculous it was to look in people's refrigerators. They might as well been taking an X-ray of my stomach.

Brooks: Now remember this much, the ah city of Chicago itself, was not "the public agency" charged with the responsibility of of of ah of of handling the problem of hunger or of malnutrition per se.

Mother: This is stupid. This is, ah, Daley said if you had, he said, show me people who are hungry if we got any people who are hungry in Chicago have them call us or come into the office and I'll feed 'em, and he gave a dollar a person for three days and that was a one time thing, after that you couldn't get another one. And I got $12, I got $4 for three days cause there were 4 people in my family.

Alberts: However much money was spent, and I don't know how much was spent by Daley's program, it wasn't set up to do what it was said to do. I mean they really, I don't believe they intended to feed hungry people because they would, you wouldn't have had to go through all this rigamaroe; people would have been just granted the money for food. And ah, so the solutions that the city and other people have set up, are not the solutions.

Brooks: What actually needs to be done, in a review of the whole social welfare program, we can see that we can do these things more efficiently than they're being done now. I think that the problem of the city is to give leadership and concern as you know.

Alberts: Well, I just don't go along with this whole idea that we have to be efficient and we have to do this and we have to do that, and certain things we can't do because of legistics, I just don't believe that. But if you really want to consider feeding hungry people, the government could do it, the state of Illinois could do it, the city of Chicago could do it. We just don't do it.

Black Panthers: (Backgrund chant).

Rockey: But a few private groups are trying to meet the overwhelming need for breakfast in Chicago's poor communities. Pioneer in this effort was the Black Panther Party, which began feeding 1,000 children a week in April.

Panther: The basic reason the Black Panther Party decided to start a breakfast for children program was because you understand, the children have a need and ah, the need has to be fulfilled, and ah that's what it's all about. You, if you're really interested to feed hungry children you'll be about feeding them rather than just talking about it.

Rockey: Do the children have to show any form of identification to have breakfast?

Panther: Wow. Identification, no.

Panther: Basically we serve bacon or sausage every day. We have pancakes, grits, ah, french toast, ah rice, eggs, ah we have toast, waffles, you know things like that, it's always well-balanced, three courses. You can eat as much as you want to because we realize we are not here to just passify the people and just get them hungry. We are to fulfill their needs, we are to feed them as much as they want because they need that much. Sometimes the children eat 3 and 4 helpings of food.

Rockey: Do the children ever take the food home to their families?

Panther: Yes, a lot of times the mothers and fathers are sick, or the little brothers and sisters can't come, so all they have to do is ask to take a plate out. We don't ask them where's your mother, why can't she come, and all that other stuff 'cause we realize they wouldn't be taking it if they didn't need it. So all they do is ask us for a plate and we send the food home.

Rockey: Feeding hungry children doesn't go along with the public image of the Black Panther Party as a violent gang. Has the breakfast program enhanced the party's image?

Panther: If you say that it's criminal to feed hungry kids then we are the most criminal people you ever want to meet because we are doing it and we shall continue to do it as long as there's a need for it to be done. It surely shows the people that this capitalistic form of government is not here to serve the needs of the people because if they did, like I said before, if they really wanted to feed them, they would feed them. And not only do I say they don't want to feed them but I challenge them, I challenge them to a duel. They can have their choice of weapons—bombs, airplanes, guns, anything they want. And I say that we members of the Black Panther Party will beat them because we have (interest from people that are). We'll fight them with pancakes and flapjacks and I say we will beat them to death with bloody pancakes because we love the people and we continue to serve the wants and needs of the people, and the only way we can ever stop the people is a ah, (is just lay on, move on over) because people are going to anyhow and they know where in the world they going to them or the Black Panther Party because we are here and we shall remain as long as they are here, you'll find us here.

Rockey: Several other groups including Operation Breadbasket, Marillac Settlement House, the Latin American Defense Organization, and the Young Patriots have followed the Panthers in trying to feed the hungry. A hungry child cannot learn. That is why the greatest impact of the Sun-Times series was to help secure passage in the state legislature of a free school lunch act. It provides five million dollars in state money to supplement the National School Lunch Act. In October of 1969, only 13,000 of an estimated 200,000 needy Chicago school children received free lunches. In the fall the number was up to 95,000 and rising. One of the schools to take advantage of this program is the Scott School on Chicago's Southside.

Redlich: About, we are now feeding approximately eighty, eight hundred and fifty children on our, on the free lunch program. The Federal and State free lunch program. This is an increase this year of almost total of what was fed last year. Twenty-two cents is funded for school lunches per pupil in the program by the Federal government. Representative Robert Mann and others in the state, ah state assembly were able to pass through a bill which was signed by the governor not too long ago which allowed a supplementary budget for the program of 15c per student. The luncheon staff which ah, is about 5. They could never do the job. You can see that they could never do this. So we are using myself, my assistants, ah, teachers, reading teachers who are not, ah, assigned to a class, where we can pull them out of a class, we pull them out of the educational program in order to help supervise. We are using volunteers from the community who see that there is a need in this capacity to supervise. We are using teacher aides, school-community representatives, anyone, any parent who comes around, we tackle and put them on the line and help supervise the program. We do have (food) to feed the children, the problem is the facilities. Our lunchroom was originally built to hold about 85 children at the most and we put 10 times that capacity. This is true in many buildings, particularly buildings of this vintage. It's ah, the concerted effort of the community, ah, and urging of the press, and ah, other media such as yours in order to awaken ah, the people within the ah, in education and in the assembly and throughout the country for this terrific need. Children who come to school hungry in the afternoon cannot learn. Children have become ill because of hunger pains and ah, or just the the grumblings within the stomach of an empty stomach detracts from trying to pay attention to ah the learning material or the exercises that are going on in the class at that time. And the next thrust in this direction of feeding has to be with infants. In other words, the children of course don't come to, and this is not a cop out, but children do not come to us until the kindergarten age, but this is already many, many years of suffering from malnutrition which has effected a child.

Rockey: No politician would publicly say that he is in favor of hunger but it is historical fact that keeping people under conditions favoring widespread malnutrition works to the advantage of those in power. It is true that hunger is a national issue and it is tied up in a vicious cycle of poverty that cries for widescale reform. But how much longer can Chicago wait? The poor continue to go without adequate food, housing, jobs, education and clothing, but they are becoming more angry and articulate. They are beginning to demand that a decent life in America is a right, not a privilege. How much longer will it be before they decide that if they don't have an equal piece of the pie, we won't either?

J. Jackson: Men will steal before they will starve and it becomes too great a price to pay to have a city as beautiful as ours laying here with these etiological barriers and these other beautiful points, afraid to walk from here to the next building because somebody is about to rob us. Afraid to walk down our streets because somebody is going to snatch our pocketbooks in order that they might have a decent meal. Black American and poor-white America represent the foundation of the nation and when they hurt and holler the whole nation is in discord. So the question becomes, how much will it cost the nation not to feed its hungry people?

McGovern: Well, the budget bureau has given us a pretty good answer to that. Ah, they've tried to make an analysis, laying aside the human and moral factors, the humanitarian factors, as to what it costs this nation in dollars to permit hunger to exist, and their conclusion is that in dollars along, we're paying out 3 and a half times as much to permit hunger and malnutrition to exist as it would cost to end it.

Jackson: You must feed a nation this big systematically, not personally and it has to come from the Agricultural Department, not just Civil Rights groups and nice and kind people here and there. Because the only reason men are starving is because of the money that would be used to set up a distribution system for food, is being allocated instead in a distribution system for bullets. Now we can get bullets anywhere we want to get them in the world immediately, but we can't get food there.

Percy: To close the hunger gap in America today, would require two billion nine hundred and thirty million dollars expenditure per year. Now that's less than we spend ah, and have spent on foreign aid in past years and yet we have millions of malnourished Americans who many of whom might be permanent welfare cases, and for the lack of a few hundred dollars in (feud) will cost thousands of dollars later. Now as against that need of two billion, nine hundred and thirty million dollars, the Congress has appropriated and authorized this year, about six hundred thousand dollars, ah, six hundred million dollars, so that we're not closing the gap.

Jackson: Look up here on the television and nine years ago they had two great programs: the poverty program and the moon program. (Ending) up at the same time under the same administration. Both programs launched off 9 years ago. Two programs left nine years ago together. Forty million people hungry. Nine years later we get to the moon. Two men, two boxes of rock, the bill, the bill 54 billion dollars, 54 billion dollars. Two men, two boxes of rocks off the moon. During that same time, for 40 million empty stomachs, and empty minds, less than 6 billion dollars.

McGovern: Ah, hunger is a problem that we can readily eradicate from this country. It's very difficult to say that we can eliminate all disease from America, or that we can find a quick answer to the problem of ah, cancer or pollution. But we can, within a reasonable length of time, provided we have the commitment, put an end to hunger in this country so that not one single American needs to go to bed hungry in the United States.

Jackson: Men ought not be thirsty in this nation unless there is no more water. Men ought not starve unless the soil loses its fertility. Being willing to die at 18 should not be the prerequisite for citizenship. Being willing to live as a responsible adult at age 18 should be the prerequisite for citizenship and the standard for loyalty. (Clapping)

Percy: If we can't provide adequate food for Americans, what good are we? If we can't with the abundance of this country, share it and recognize that this is not charity, that is an investment in the future of young lives, for instance, that can be permanently injured, physically and mentally if they don't get adequate food in their early years.

Jackson: Right here in the city of Chicago we're going to propose that very soon the city council of Chicago must make hunger in this city illegal, must make it illegal. If a child is 10 years old, and goes to a liquor store, say he's a minor. A child can be arrested and the license can be revoked within 24 hours, the child's parents can be put under arrest because a minor was trying to buy. That same child can break in the welfare office starving, and there's no reaction and how can a moral nation, printing on its money its Godhead and "In God we trust" have a greater sensitivity to people getting drunk for an hour or two than people starving for a lifetime and developing brain damage, I will never be able to understand.

Mother: (Powers) Well, I just think it's an unhealthy place for our kids to be in.

Jackson: We have 10 million people in this nation who are destitute, whose stomachs are bloated from not enough to eat.

Cleveland: We're fighting a war over in Vietnam, we're sending money by the cartloads every place else and we're paying some of our people here in this country not to produce food when we have children here that could eat every bit of it. I mean it's just stupid to me. I I can't understand it.

Klinger: Well, let's face it. Food has always been one of the most important political instruments that with food you can pick and choose your population.

Mother: (?Thurman) There's a big crisis with hunger in the United States and especially in the welfare budget. And mothers don't have enough food money—the children are not fed properly, they're sick half the time, their minds don't function right you know brains can't function right when your stomach is empty.

Cleveland: I have to firmly believe that there is hope for my children; and I fight for this and I believe in it and if I didn't feel this way, I don't know what I'd do. I I don't know how I would cope with life period.

End of tape.

CITY COUNCIL, CITY OF CHICAGO
COUNCIL CHAMBER
April 7, 1970.

SENATOR GEORGE S. MCGOVERN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MCGOVERN: You have Chicago's appreciation for setting the hunger hearings for April 20th. If I can help, please let me know.

You may be interested in the enclosed study on Hunger in the Fifth Ward.

Sincerely yours,

LEON M. DESPRES,
Alderman, Fifth Ward.

HUNGER IN THE FIFTH WARD (HYDE PARK AND WOODLAWN)

(Report by Jeannie Garrison)

FOREWORD

Your comments, questions, and suggestions are urgently requested on this study and on the actions we can take to relieve hunger in the community.

Jeannie Garrison is a graduate student in the School of Social Service Administration, who is doing field placement work in the office of the Fifth Ward Citizens Committee. This report is the result of many hours of study and direct personal observation, and it is valuable as a statement of what is, and of what is to be done.

LEON M. DESPRES,
Alderman, Fifth Ward.

IS THERE HUNGER IN THE FIFTH WARD?

Does hunger exist in our Fifth Ward communities of Hyde Park and Woodlawn? If by hunger we mean the lack of an adequate and nourishing diet, then we can say hunger is indeed a problem in the Fifth Ward.

One indication of poverty and consequent malnutrition is a high unemployment rate. An employee of the Illinois State Employment Service estimates unemployment in Woodlawn at from 20 to 28%; no figures were found for underemployment. Unemployment may be as high in some parts of Hyde Park, although no up-to-date statistics could be obtained. A high unemployment rate necessarily means that many persons are living in poverty and many are welfare recipients.

In Hyde Park about 700 persons, of whom 400 are children, are currently receiving public aid. In Woodlawn 21% of the population receives aid. Of them, approximately 10,000, including 7,000 children, live in the Fifth Ward (to 65th Street). These figures are important because public aid often means that the recipient is malnourished.

A home economist for the Cook County Public Aid Department says that one would have to be both a mathematician and a nutritionist to get on by a welfare budget, and even then success would not be guaranteed. She and two other nutritionists spent 2½ days planning a week's menu, based on kinds and quantities of food suggested by the State Department of Public Aid, for a family of four. After they wrote the menu, they tried to shop for the foods but discovered that the food allotment was inadequate to buy all the food the state suggested, and found themselves forced to replace nutritious foods with substitute inexpensive, bulky and less nutritious foods.

Most public aid families cannot even devote all their food money to food, because, as a housing consultant for the Public Aid Department explained, they have to dip into their food money for rent and emergencies. The food allotment is inadequate to begin with—even three nutritionists could not make it work—and rent and other expenses further reduce it. Public Aid families do not starve in the Biafran sense—they survive on potatoes, oatmeal and other carbohydrates—but the costs in poor health and occasional brain damage in young children are disturbingly high.

The elderly also suffer. Many of them have low incomes, find themselves forced to spend much of their incomes for rent and medical expenses, and do not have enough money left for food. Some of them are too incapacitated to cook for themselves. In 1960, 11.6% of the population in Hyde Park and 6.3% in Woodlawn were over 65.

Clearly, hunger is a major problem in the Fifth Ward; and clearly the existence of hunger is morally insupportable and economically inefficient. How can one work well or learn well if one is hungry? The question before us is, what can we do about it?

WHAT CAN WE DO ABOUT IT

Nationally, we have to see that the hungry have an adequate income to buy the food they need for healthful living. Locally, we have to try to deal with our emergency hunger problem with means at hand. People are suffering and something must be done about it now. One way to help is to push for maximum use and improvement of existing programs, specifically, the school lunch program, the school breakfast program, the food stamp program, and the U. S. Department of Agriculture's supplemental food program. Other possibilities include working for *new* programs, such as providing free midmorning milk for all school children and encouraging area grocery stores to stock and feature high protein and enriched foods, and above all to work to increase the amount of money people have to spend on food.

This report will examine the effectiveness in Hyde Park and Woodlawn of local programs designed to alleviate hunger and will suggest courses of action for concerned citizens.

THE SCHOOL LUNCH PROGRAM

Of the nine public schools in the Fifth Ward, seven offer hot lunches to their students. Table 1 shows that since the end of the 1968–1969 school year there has been a great increase in the number of children participating in the free lunch program. This increase is due mostly to the 1969 school lunch measures, sponsored by State Representative Robert Mann and passed with bipartisan support, which authorized an increase in state funds for free lunches. Many children in Hyde Park and Woodlawn who are very poor and normally would receive no lunch or an inadequate one are now able to eat a hot noon meal.

We know that a good nourishment helps a child learn more easily and also reduces school discipline problems. A Hyde Parker who was formerly principal of a west side elementary school says that when children were brought to him for disciplinary reasons, he made a practice of asking them what they had had to eat in the past 24 hours. He found that many of them had had nothing to eat or had not had enough to satisfy and fill them. Thus the free school lunch program gives participants an improved chance for better health and a better education.

Unfortunately in most schools there has not yet been enough additional supervisory staff or kitchen staff or enough additional facilities to meet the increased demand. Wadsworth, until February 1, was feeding an astounding 1,200 students each day in a converted classroom which seats 75 to 90 children. The principal, Mr. Jack Perlin, has since successfully obtained the use of the Woodlawn Boys Club facilities across the street from the school, under contract with the Board of Education.

Both Carnegie and Kozminski need an additional portable steam table to get the children through the lines more quickly and feed more children. They find that when children have to eat very rapidly they do not digest their meals well and sometimes react to pressure by not eating at all. Inadequate supervision aggravates difficulties because it leads to an undisciplined atmosphere which impedes good digestion.

Most principals are now forced to employ teacher aides as lunch supervisors, an unhappy solution, since it pulls them out of classrooms and reduces their classroom work.

A further problem is that, regardless of age or grade, all elementary school children get the same quantity of food, and a meagre quantity at that. At one school I visited, French fried potatoes were included in the day's menu, and children received only two to three pieces. At another school, green beans were being served, and again the children received only a few beans. At still another school, jello mixed with fruit was on the menu; each child was given about a tablespoon. It is conceivable that such small portions might be adequate for kindergarteners, but it is ludicrous to give eighth grade boys these portions. The children will sometimes eat the school lunch and then be forced to buy additional food (if they have the money), go home for more food (if there is food at home), or remain only partially satisfied.

The purpose of the school lunch legislation was to provide *nutritious* meals to students; all lunches are supposed to be of "Type A" quality: a half pint of milk, 2 oz. of lean meat, poultry, fish, or cheese, ¾ cup of two or more vegetables or fruits or both, one slice of bread, and two teaspoons of butter or margarine. Several schools in the Fifth Ward do not meet these minimal requirements, especially the meat requirement. And starches like spaghetti and lasagne account for a disproportionate amout of food served, while fruits, vegetables, and high protein foods are scanty. The question is, why?

The Board of Education lunch bureau provides a monthly menu which meets "Type A" requirements; however, many schools do not follow this menu. The lack of adequate facilities is one reason that schools must depart from this menu: the school cannot prepare fried chicken for 1,000 students when the lunch room personnel have only a converted classroom to cook in. Certainly, additional kitchen equipment and space would enable individual schools to serve more varied meals to greater numbers of students.

But lack of equipment is not the complete answer. It does not explain why children in some schools get only a half slice of bread when the "Type A" lunch specifies a whole piece, or why the amount of meat children receive in some schools is closer to ½ oz. than 2 oz.

Part of the answer to small quantity and inferior quality may lie with the lunch room manager, for it is the manager who determines the menus in those schools which have inadequate facilities, and it is the manager who determines how much each child gets. According to one principal, the lunch room manager is expected to make a "profit" off the lunch room and does not get a raise if she does not. The lunch room makes a profit by taking in 32¢ per lunch per child (from state and federal funds or from paying children) and spending less than 32¢ for each child's lunch. Breakfast money, money from teachers' lunches (which are different in type from those served the children in almost all schools), and money from "canteen" items such as cookies are other sources which offer the possibility of "making a profit." The lunch room manager has a vested interest in providing highly inexpensive lunches—lunches of meagre quantity and food of the cheapest kind.

The lunch room manager is not under the supervision of the principal and he has no authority to demand that the lunch room provide better lunches or increased quantity. The lunch room manager has a supervisor, but lunch room supervisors have more than one school district under their supervision and thus only occasionally see any one school's lunch program in operation.

What can be done to improve the lunch program at these schools? Obviously more lunch room personnel and improved facilities would help. Table II presents specific needs of individual schools. Additional kitchen help and supervisory help should be hired from the community both to provide employment for the area and to reduce staff turn-over. In addition, parents and other interested residents could monitor lunch rooms to ensure that minimal requirements are met in terms of quantity and type of food served. The Board of Education is legally required to serve a "Type A" lunch and where this is not being done the citizen should demand that the lunches be brought up to standard. Clearly, hot lunches are valuable and prevent many children from going hungry, but there is no reason why improvements cannot be made which would make these lunches better.

The two schools having no lunch program, Murray and Bret Harte, are located in areas where the need for free lunches is not as great as in other areas. However, there are students attending these schools who would qualify for a free lunch and who are deprived of one simply because they are required to attend a school without a lunch program. Also, students who do not qualify for a free lunch but who desire a hot lunch at these schools cannot get one. Hot lunch programs should be started at these schools, for both the poor and non-poor students. Until facilities are made available to these schools for hot lunches, the "Nutri-Cold Pack Lunch," a nutritious bag lunch, could be provided. Other ideas include the catering of hot lunches to schools which have inferior facilities for preparing hot lunches.

THE SCHOOL BREAKFAST PROGRAM

Two schools in the Fifth Ward, Scott and Carnegie, now offer reduced price breakfasts at 10¢ for students. At each school only 75 to 100 students participate. There appear to be several reasons why more children do not participate. First, the breakfast costs 10¢ a day, a sum which many children simply do not have. Then, as one principal said, the quality of the food is poor and the quantity inadequate; and a child with a dime may prefer to spend it on a candy bar rather than oatmeal. The principal said that when an exceptionally good breakfast is served, such as eggs and sausage, many more children come. Apparently the children who arrive early run to tell others about it. Finally, a few children fail to participate because they do not get to school in time.

Despite the imperfections in the program, the fact that 10% of the Scott student body and 20% of the Carnegie student body regularly participate in the breakfast program indicates that it is meeting a definite need.

In the other schools, parents and other residents could discuss with principals the need for a breakfast program and the feasibility of instituting one. If enough of a need were felt and expressed, most principals in the Fifth Ward would, I believe, be willing to do all they can for such a program, particularly if they have community backing and volunteer supervisors. Later the downtown lunch office could be induced to provide tastier breakfasts and eventually free breakfasts.

MID-MORNING MILK PROGRAMS

Many teachers and principals believe that morning milk should be provided to *all* students free of charge, but no money has been budgeted for it. All but two in the Fifth Ward now sell morning milk to children for 4¢; Wadsworth has no storage place for milk; and the Hyde High School administration says that a milk break competes too much with class time. At the schools which do offer milk, many students fail to buy milk because they do not have money or they lose or forget it. Thus some children drink milk while others watch and cannot have any. Providing free milk for *all* the children would yield benefits in increased attention and better health. In some schools, milk and cookies might be provided in place of a breakfast program, or in addition to it. For many children the stretch from 9:00 to noon needs to be broken by a snack.

Until free milk is provided, schools might consider collecting milk money monthly instead of daily, to assure steady, long-term participation. Kozminski and Bret Harte collect it monthly and are able to encourage all children to participate. The only problem is that 80¢ may be too much money for some students to bring at one time.

ELDERLY

Many older people face special problems related to hunger. They have inadequate incomes to purchase food, they need special diets, they are not physically able to do their own shopping, or they are too ill to cook.

The Chicago Commission for Senior Citizens Nutrition Project is currently operating a meals program for older citizens at a reduced price at various locations in Chicago, one of which is the Chicago Housing Authority project in Woodlawn. The Neighborhood Club and the YMCA in Hyde Park are negotiating to implement this program, called the "Golden Diners Club." The objective of the Golden Diners Club is to provide low cost and nutritious meals as well as to provide a social occasion for many elderly who are socially isolated.

The Drexel Home for the Aged was recently forced to discontinue its Home Delivered Meals program, a program which delivered two meals daily to elderly people who were not able to prepare their own meals. Since the program stopped, several of those served by it have been forced to enter nursing homes and at least one elderly man was eating oatmeal three times a day. Home Delivered Meals is certainly a desirable program and it might be possible to persuade another institution, such as Billings Hospital, to implement this program.

FOOD STAMPS

The Food Stamps program is a federal program designed to increase the buying power of a poor person's food dollar by as much as 37%. Food stamps are definitely valuable, but many needy persons who could use them advantageously do not do so. First, there is bureaucratic red tape involved in obtaining a card which permits one to purchase the stamps monthly. The food stamp office in Chicago estimates that 50% of the people who apply are found ineligible, some of them because they are not poor enough to qualify and others because they do not or cannot bring all the information which the food stamp office considers necessary to prove their poverty. This information includes the following: (1) pay stubs for a full month for each employed person in the household; (2) verification of all other income including pensions, railroad benefits, OASDI, etc.; (3) copy of income tax return for the preceding year; (4) rent receipts; (5) verification of liquid assets such as bank books, postal savings, account books, etc.; (6) medical bills or receipts if they have been unusually high. In addition, other conditions made the stamps undesirable: Food stamp holders are forced to buy the stamps all at one time once a month and to tie up their money in stamps with no money left for emergencies. They have to pay a predetermined amount each month and may not limit the purchase to the stamps they have money for. Also stamps cannot be used for many items such as dishwashing soap, paper towels, toothpaste, and sardines. Many persons feel stigmatized through the use of stamps, and feel that they are identifying themselves as poverty-stricken each time they buy groceries. And finally, some food stores victimize people who pay with stamps by requiring them to use a separate line and by charging them higher prices, which wipes out the advantage obtained by buying stamps.

A final problem is that the income scale which determines eligibility for food stamps is very low—one can be quite poor and still ineligible for the stamps. However, the income scale in Illinois has recently been liberalized admitting persons who were previously ineligible to participate and increasing the amount of money saved through use of the stamps.

It seems highly unfortunate that the government cannot simply subsidize poor families with money instead of labeling them with stamps. However, food stamps are a very valuable supplement and their use could at least be liberalized to increase the total amount available and allow people to purchase any amount they want below the maximum. S2547, a bill to liberalize food stamps, is now before the U.S. House of Representatives (but is stalled in the Agricultural Committee), and community residents as well as organizations concerned about the welfare of the poor should ask their House and Senate representatives to press for liberalization of the program. Senator Mc Govern has said that the pending bill could do virtually the entire job of feeding 15,000,000 to 25,000,000 hungry Americans.

In addition, we should give extensive practical help to persons who need food stamps but find themselves cut off by not knowing the procedures or suffering from bureaucratic exclusion, and we should encourage all eligible people to use stamps.

THE SUPPLEMENTAL FOODS PROGRAM

The Federal government through the Department of Agriculture has authorized a program designed to help alleviate hunger among pregnant women, nursing mothers, and children under the age of 6, by direct distribution of surplus commodities. Although this is a program designed more to meet the needs of farmers than the urban poor, it nevertheless benefits the urban poor and full advantage should be taken of it. Commodities distributed include evaporated and non-fat dry milk, canned vegetables, dehydrated potattoes, farina, and corn syrup blend, and sometimes other foods. This program has been in existence and these foods available all during 1969 without its being applied in Chicago. Deton J. Brooks, Jr., Human Resources Commissioner, has said that Chicago cannot adopt the program because administration and storage costs are too high. However, his cost estimate was twelve times higher than the actual cost of the program as operative in Washington, D.C. Cook County OEO has just commenced this program in several Chicago suburbs and will soon be reaching 14,000 needy persons.

The City of Chicago has recently implemented its own version of the program, a pilot project which will reach between 3,000 and 5,000 persons living on the South Side. When one reflects that there are 10,000 mothers and children on Public Aid in Hyde Park and Woodlawn alone (many of whom are eligible) and that there are many others not on Public Aid but also eligible, the 3,000 to 5,000 figure for the City of Chicago appears grossly inadequate. Under the city program, children between 1 and 6 will be excluded from participation and only milk, formula and cereal will be available to those deemed eligible. Thus the city's program will be highly restrictive in terms of both people eligible and available commodities. An OEO official says that the Chicago program may well be more expensive per person than the original Department of Agriculture program since participants will be buying at retail prices. Unfortunately, young pre-school children must now do without important foods while the City of Chicago rejects what is readily available and experiments with a limited and restricted "certificate" system in a questionable attempt to save a few dollars.

HIGH PROTEIN AND ENRICHED FOODS

According to Nick Kotz, author of "*Let Them Eat Promises: The Politics of Hunger in America*":

"American agriculture, industry and government *easily* possess the technical ability to eliminate hunger and malnutrition in the U.S. now—merely by producing the same low-cost fortified foods used in the government's foreign aid program. This goal can be reached by private industry—with not more than $50 million in government aid."

Cheap, high protein foods such as CSM are available from the U.S. Government to the hungry in other lands, but not to the hungry of America. According to Kotz, one already-tested bread and cereal can supply all the synthetic protein a child needs at a cost *per year* of 28¢ per child! Foods of this type are unavailable to consumers principally because the food and farm industries are afraid of undue competition and have effectively lobbied against legislation to make them available to Americans.

Dr. Myron Winick in an article entitled "Malnutrition and Brain Development" (*The Journal of Pediatrics*, May, 1969) states that all available information indicates that ". . . brain growth may be retarded by malnutrition. The earlier the nutritional deprivation, the more severe the retardation." He concludes that ". . . in terms of over-all cost it would certainly be more efficient to use the available funds to protect the population most at risk and to prevent the exceedingly costly consequences of maintaining within the society large numbers of individuals who are unable to contribute because of marginal mental development." Dr. Winick's observations are especially cogent in view of the low cost of the newly developed and highly nutritious soybean-based foods. The government might find it cheaper in the long run to distribute these foods free of charge to all who want them.

In addition to special foods, enriched foods could also help prevent malnutrition. With the help of OEO funds, Pillsbury has experimented with a new high protein flour aimed at preventing protein deficiency. It claims that the addition of lysine to the flour makes the protein in the flour as "readily available" as the protein in red meat. However, in a Certified store in Woodlawn this flour costs 62¢ per 5-lb. bag, while Certified enriched all-purpose flour costs 49¢ per bag. Also, as a home nutritionist stated, "You'd have to eat an awful lot of flour to make up for a serving of meat." Nevertheless, enriching staple foods with added protein could have a great impact on eliminating dietary deficiencies, but the foods must be made inexpensive enough for the poor to buy them, especially when a company's new food is financed by OEO money. Clearly, people who may know little about their need for protein but much about the tightness of their budgets are not likely to buy expensive products, even when these products are highly nutritious.

Despite present expensiveness, the concept of protein-enrichment should be encouraged. Pillsbury is test-marketing the flour in Chicago now but has not yet decided whether to market it nationally. It appears to be a product of potential value to all citizens, and if it is successful other companies might be encouraged to develop highly enriched foods. No stores in the Fifth Ward sell the flour, but stores near the Fifth Ward which stock it are National Tea at 6611 South Halsted, A & P at 47th and Drexel, and Vito's at 344 East 63rd. Customers of other stores might talk to their store managers about it.

SUMMARY AND RECOMMENDATIONS

Although the final solution to the problem of poverty is beyond the scope of the local community, the community can and should improve existing programs to combat hunger. The greatest impact that the community can have appears to be in the realm of school feeding programs. All principals in the Fifth Ward recognize the importance of healthy children and gratefully welcome community help in improving the school lunch program. Better facilities, added personnel, and larger portions of food are primary needs in most schools. Community groups working with principals could help meet these needs.

Almost all principals expressed an interest in breakfast programs and several schools in the Fifth Ward could start such a program if parents determined that one were needed and discussed its feasibility with principals.

To encourage participation in the mid-morning milk program, parent-teacher groups might discuss whether the collection of milk money should be once a month. Perhaps parents could make special funds available for children unable to afford the cost of the milk. They might also exert pressure to obtain free milk for some children.

Special help for the elderly could be obtained through a new home-delivered meals program. In addition, the non-home-bound elderly should be informed of the "Golden Diners Club" project at the Chicago Housing Authority in Woodlawn.

There appears to be little a community can do locally to increase the benefits of food stamps or to eliminate the red tape in obtaining them; but community volunteers could inform elderly citizens, students, and others of the availability of stamps and the best way to apply for them. Community action groups might also begin a letter writing campaign to Congress on the new Food Stamps Bill S2547 and begin an information campaign on the need for a liberalized Food Stamp Act.

Since the city has already instituted the "certificate" system in place of the more comprehensive Supplemental Foods Program, groups in the community could encourage the city at least to increase the scope of the program. Eligibility should be extended to include pre-school children over one year of age and mothers all over the city. As the program is set up now, a young mother living on 64th Street will be eligible to obtain free milk for her baby, while her neighbor on 65th Street will not be. Possible action for concerned persons might include a group request to see the Mayor and a letter writing campaign to newspapers.

The development of protein enriched foods such as the new Pillsbury flour represents another way to prevent malnutrition, and local stores could be asked to stock this food. Perhaps other companies would be persuaded to develop similar products.

In conclusion, many people in our own community are suffering from hunger, often "hidden hunger," manifested in poor health and lack of energy or, among children, stunted mental development. We can hope to eliminate hunger and its effects by hard work to improve existing programs and by consistent support of the efforts of elected representatives who are attempting to improve specific programs or put more money in the hands of the poor and thereby allow them to function as consumers in the market.

CHART I

School (principal)	Number of students [1]	Number of lunches served	Number of free lunches, December 1969	Number of free lunches, June 1969
Kay (K-8) (Vallina)	765	230-245	190	75
Bret Harte (K-8) (Paskind)	520	[2]	[2]	[2]
Murray (K-6) (Shannon)	425	[2]	[2]	[2]
Koziminski (K-8) (Cohen)	796	400	300	50
Fiske (K-6) (McBride)	1,072	780-880	[3]	400
Wadsworth (K-8) (Perlin)	1,638	[4] 1,170	Same	.....
Scott (K-6) (Redlich)	1,120	[4] 1,050	Same (3-4 pay)	300
Carnegie (K-6) (Sims)	646	450	Same (5-8 pay)	350
Hyde Park High (Kolheim)	[4] 1,300	[4] 900	300-400	50

[1] Attendance figures are 10 to 15 percent lower than enrollment.
[2] No lunchroom, no free lunches.
[3] About the same, approximately 18 pay.
[4] Approximately.

CHART II

SCHOOL (PRINCIPAL) AND NEEDS

Ray (Vallina), more supervisory staff—paid.

Bret Harte (Paskind), lunch room facilities and staff (at present, no lunch program).

Murray (Shannon), lunch room facilities and staff (at present, no lunch program).

Fiske (McBride), no needs expressed.

Wadsworth (Perlin), supervisory staff (not teacher aids). New facilities (or use of Woodlawn Boys Club). Extra custodial help.

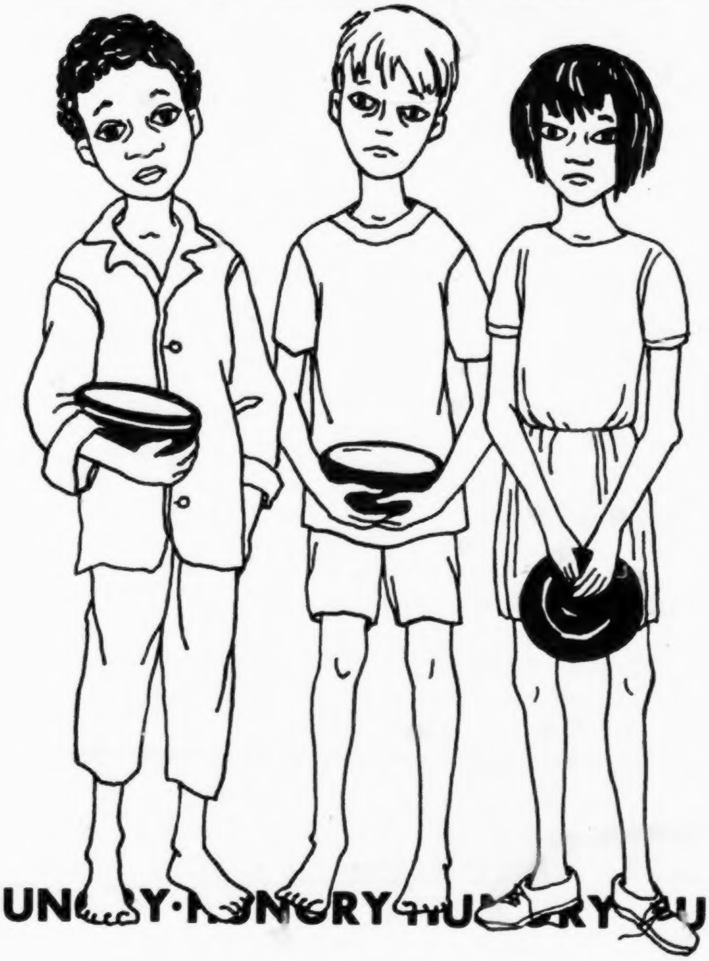
Scott (Redlich), space to convert entire basement into lunch room. Disposable plates and trays (to prevent slowdown). Larger portions for older students.

Carnegie (Sims Assist-Chappell), more supervisory help. 2–3 more kitchen staff. Portable steamtable for another room.

Kozminski (Cohen), additional steam-table and 2 more women to man it.

Hyde Park High (Kolheim Assist-Gaskins), volunteers to handle distribution of tokens.

color me HUNGRY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STILL HUNGRY IN AMERICA. . .

THE UNITED STATES is the wealthiest country in the world, yet

- we rank 27th among nations in life expectancy for men, 15th for women and infants
- we are the only modern democracy without a family allowance system
- 1 out of every 10 people is hungry

HUNGER KNOWS NO COLOR LINE, only a calorie line

WHO IS HUNGRY IN AMERICA?

- The Working Poor (42% of the heads of poverty families work more than 40 weeks per year. In 1966, ½ the labor force was not covered by the federal minimum wage law. Over 3 million men earned less than $1.60.)
- The American Indians (average family income on reservations is $1500)
- Rural Whites, Blacks and Mexican-Americans who do not share the benefits of organized labor (20% of the rural population is poor. The average family income for migrant farm workers is $1500.)
- The Urban Poor, many from the South and Puerto Rico, who are unskilled for the job market and face discrimination. (14% of the urban population is poor.)
- The Elderly, who live on a fixed income or no income at all (average family income below $1200)
- The Disabled and Chronically Ill (who comprise 1/3 of all those completely unemployed)
- Children of all Races, sons and daughters of the working poor and unemployed. (½ of the completely unemployed family heads are mothers with small children.)
- 73% OF THE POOR IN AMERICA ARE WHITE

A Dept. of Agriculture survey shows that 63% of families below the poverty line are hunger families.

STILL HUNGRY IN ILLINOIS. . .

ILLINOIS is the third wealthiest state in the nation, yet 1 OUT OF EVERY 10 FAMILIES in Illinois is a hunger family (629,000 families.)

WHO RECEIVES PUBLIC AID?

- * There are 536,000 on public aid in Illinois, out of an estimated 2,000,000 poor. Of these 63% are children; 16% are aged, blind or disabled; 13% are mothers; 4% are unemployable; 3% are difficult to employ; 1% are working.
- * The U.S. Bureau of Labor Statistics says 40¢ per meal is needed, yet people on Public Aid receive only 28¢.
- * Only 4 out of every 10 eligible people are receiving Public Aid.
- * While the poor go without, other segments of society receive large federal subsidies: big commercial farmers, defense industries, oil producers, transportation, etc.
- * The federal government gives Illinois farmers over $100 million each year not to produce food.

STILL HUNGRY IN CHICAGO. . .

Estimates of the hungry in Chicago go as high as 600,000. They include the families of:

- * 100,000 working poor, including 7000 day laborers in Uptown (5500 of whom are white.)
- * Employable blacks who cannot get jobs (8.6% unemployment rate.)
- * The Puerto Rican community, where the Board of Health found nearly ½ the infants with anemia.
- * 7 out of 10 elderly people in Chicago who are undernourished.
- * 62% of the poor who are eligible to receive Public Aid, but do not.

THE CITY OF CHICAGO DOES NOT SPEND 1¢ OF ITS REVENUES ON FEEDING THE HUNGRY, while $10 million goes for McCormack Place parking.

HOW HUNGER AFFECTS CHILDREN

- Children of poverty are 6 months to 2½ years behind in growth.

    4 out of 10 are severely anemic
    3 out of 10 have serious vitamin deficiency

- 50,000 infants die unnecessarily each year because of malnutrition and poor health care

WHY DON'T FEDERAL FOOD PROGRAMS ELIMINATE HUNGER?

Only 1 in 6 needy people participate in food stamp and commodity programs. These programs do not provide an adequate diet and exist at the whim of county officials. Less than 4 out of 10 children are reached by the National School Lunch Program.

Food programs, designed and run by the Agriculture Dept., were formulated to help the farmers, not the needy. They help to sustain price supports and to remove surplusses, but do not deal with starvation.

HELP END HUNGER

Write your elected officials at all levels of government to act now to end hunger in this country. It can be done.

SCLC's OPERATION BREADBASKET
366 East 47 Street
Chicago, Illinois 60643

Suburban Division
Box 113
Northbrook, Illinois

Cook County Office of Economic Opportunity

InC

Together for Tomorrow

VOL. 1 No. 1

OCTOBER 1969

OPERATION NUTRITION GETS GOING

Linda Rockey, Stan Kapuscik, Rev. Claude Porter, Mr. Ray Williams, and Mr. Herbert Schader.

Linda Rockey, a feature reporter for the **Chicago Sun Times**, became interested in CCOEO's **Operation Nutrition.**

She then visited the American Can Co. warehouse which has been set aside by that company for use by Operation Nutrition to disperse food in Maywood. At that time she spoke with Mr. Williams and Mr. Schrader of American Can who explained that the space had been lent to the operation, free of charge.

Rev. Claude Porter, new director of CCOEC 's **Maywoods Operation Uplift** center, then accompanied Mrs. Rockey and Mr. Kapuscik, to the apartment of a welfare mother, the chairman of the Welfare Council.

The mother of five and an ADC recipient asked "Will Operation Nutrition affect my aide check." Mr. Kapuscik explained that "no deduction from the aid check will be made. The program is designed to supplement the present low income mothers who are pregnant and/or have children under the age of six.

"These mothers," he explained, "should go a designated public health facility where they will receive a prescription for the proper food. This prescription is then taken to the distribution center where a food package is made up to fill the need prescribed. Outreach workers will be at the distribution point and in the Community to assist these and any other people in need.

Mrs. Rockey was the informed that Maywood would be the first Site to receive food, with Robbins, Rolling Meadows, Chicago Heights, East Chicago Heights, Harvey Evanston, and Argo Summit to follow soon. She was also told that **Operation Nutrition** is in existance in only two other locations in the country.

This Sun-Times reporter, who writes a column called Hunger said, "it is a much needed program and I have seen that it has response from the community. I am sure it will be a great help to malnourished families.

Actual photo of the 11 food items.

HELP!

Please write articles, paragraphs, words or sentences. Any person place or program of interest written about will be placed for publication in INC. . . . . . L. Price

Ed Easter, Youth Co-ordinator of Argo Summit, the southwest opportunity center in Argo Summit has help. Henry L. White (on the liet) has recently been named Youth Extension Worker in the Argo Community.

Henry is the president of the Argo Summit Black Youth Council. A graduate of Argo Community High School, he is now enrolled part time in Morraine Valley Community College, majoring in Political Science.

ARGO-SUMMIT
YOUTH ACTION
PROJECT

Henry White and Ed Easter.

In an interview with Henry he said, "that the fall-winter youth activities are to be held 4 days a week, Monday through Thursday, at the Argo Community High, Graves Elementary School and Argo Elementary.

On Monday, Tuesday, and Thursday any youth aged 13-22 can partake in basketball, volley, baseball, and other activities.

Wednesday night is girls night. Modern dancing, jazz interpretation, volleyball, and basketball are some of the Girls programs. "And anything else within reason," he added." "The highlight of the program," he said, "is the Friday and Saturday night dances. These dances are the focal point of weekly youth recreation in Argo. Almost the whole youth community turns out."

He pointed out that "For two weeks during the summer when the dances were not held a number of (gang) fights and other distrubances occurred. These dances effectively channel the engeries of the youth to useful purposes.

He added that "CCOEO greatly helps the youth. A meeting space is provided in the Southwest opportunity center. Any youth with a problem meets us here for help."

The interview ended when a core of black athletes from Argo high came into the center to use the meeting room. Henry said as he left "I have to go and see about their problem."

Argo should be very glad they have Henry L. White working with these youths.

These are homes in the Lincolnway area of East Chicago Heights. Twelve homes are boarded up, and resemble the home on the right. Thirty three others are being lived in, but are in a condition similar to the one boarded up.

A non-profit housing development corporation, a spin-off of CCOEO Inc., named HOME I, II is in the process of rehabilitating these homes for sale to low income families. The plans of HOME are to have finished products, similar to the home on the left, also in Lincolnway.

Another objective of Home is to create in Lincolnway a low income housing maintenance cooperative. This co-op ought to provide Lincolnway with a mechanism for future community action, so that when HOME has finished its work, an effective community organization is functioning in Lincolnway.

This co-op will be unusual, because never before has there been a co-op where people really own their own home.

The co-op should provide a foundation for future decisions about the activities of the neighborhood and community. The co-op should also provide a tool for home maintenance. For example, the co-op could buy paint from a co-op league with a substantial discount. This paint could be re-sold to members of the co-op and the community to prepare homes for a "Spring Paint Up". The co-op could purchase all types of housing materials to keep homes in the community in an excellent condition.

The roots of the Lincoln Co-op are made up of The Concerned Citizens and Parents of East Chicago Heights, who are the present residents of the Lincolnway homes HOME is dealing with this group to redevelop the site in East Chicago Heights.

Lincolnway, and Home intend to sell homes to people in East Chicago Heights and to families displaced by an 80 acre urban renewal site being cleared in that city. These homes can be purchased for as little as $250 down and a federal subsidy, so that only 20% of the monthly family income will go for mortgage payments.

Home will have a mobile office at the Lincolnway development, East Chicago Heights.

Mr. Jay Ridinger, Director of Home said, "HOME invites your questions and suggestions. For information contact me, Mr. Peter Williams or Miss Earsina Presley at 922-5946.

Al Thrasher talks to customer.

The Ebony House Book Store opened at 2123 Ashland Ave., fulfilling a hope of Evanston Neighbors at Work and the Black Youth Council that, otherwise unavailable literature would be on the local market when schools and colleges opened.

Books, magazines, and records on Black history, art, politics, and entertainment are on the shelves. The initial 500 selections range from weighty sociological studies to childrens' coloring books; from Harrite Beecher Stowe's 120 year-old classic, **Uncle Tom's Cabin** to Stokely Carmichael's most recent call for revolution.

The goals of the store, according to its originators at Neighbors at Work, are to offer Black citizens material they can identify with, help the entire community get reading matter related to the black studies programs in local schools and colleges, give business experience to Black youths, encourage reading, and make money for other civic projects.

Tom Fuller and Booker Henderson watch opening.

Grand opening ceremonies were held September 7, in Foster Experimental School in Evanston. Speakers were Ray Billett, Vice President of Northern Illinois Gas, Jean Babtiste, and Richard Fair, both of the Ebony House Black Youth Council.

After the ceremonies, some sixty people moved to the store's location at 2123 Ashland for the opening. In attendance from CCOEO'S Central Staff were Charles D. Hughes, Jr., Executive Director, Booker Henderson, Associate Director for Community Development, and Jack Arnold, Director of Planning. Others present were Thomas Fuller, Chairman of the Advisory Board of Evanston Neighbors at Work, George Spore, Executive Director of Personnel at Northern Illinois Gas, and interested Evanston officials, businessmen and residents.

The store which was made possible by a grant of $5,500 from Northern Illinois Gas Co. has a full-time adult manager, Richard Fair, but will depend on help from the youths it will hire for on-the-job training. The operating hours, 10 a.m. to 8 p.m., Monday through Saturday, are intended to attract students and working people, Mr. Fair said.

The initial stock was obtained from existing stores in Chicago, but the store now deals directly with distributors.

From the Executive Director's Desk...

by Charles D. Hughes, Jr.

As far as I know, this is the first Newsletter to be published by CCOEO Inc. since its enception in 1965. A Newsletter has at least three major goals:

1. Exchange of information.
2. Contribution to a greater public understanding and support.
3. A contribution to the development of an Agency **espirit de corps.**

The need for such a publication on a regular basis, especially in an area that is as sprawling and disunited as suburban Cook County, goes without saying.

To publish a newsletter in "midstream" that captures the totality of what CCOEO is doing and hopes to do is of course impossible. CCOEO operates 17 seperate programs, which include for example 7 neighborhood service centers, 23 Headstart Centers, a complete warehousing system for the storage and distribution of food, and administering contracts with 19 other community institutions and agencies.

This first edition, has therefore been "played by ear". We expect that through future editions a unique format and style will evolve. Your criticisms and your news will be essential if this Newsletter is to be successful. Please write your comments about this issue and your suggestions for future issues and send them to Larry Price, editor, CCOEO Central Office, 608 South Dearborn, Chicago Illinois.

CHATTER CORNER

Joques Epple Family Planning Director, flew to New York for a conference. But he must have left his watch in Chicago because he called **CCOEO** to find out what time it was here. That's some conference Joques . . . . . .

Mel Robinson has a new plan. it's called Tardy. Mel is the new office manager and can he manage an office! When you're late your name goes up in lights and firecrackers shoot off from the switchboard, a boxing glove appears from the ceiling and clouts you in the head. You can believe attendance has been regular . . . . . .

Flash . . . . **Charles David Hughes, Jr.**, made the Tardy list . . . . but **Abe Landa** grabbed the boxing glove and saved the Executive Director from harm . . . . . .

Urban Research Inc. along with **Jack Arnold** are doing some planning. **John Bradley, Dorothy Evans, Orgeab Huey**, represent **Urban Research** at **CCOEO**. Wonder what they're planning . . . . . .

Its **Karen Randhaba** who took over **Judy Sinclairs** job. Karen came from New Dehli, India. She has a masters degree in Economics from Northwestern University . . . . . .

Judy Sinclair, formally **MIS** specialist is now with the Governors office co-ordinating federal OEO programs with the state. One for Judy . . . . . .

Ron Lebeiko has moved to the Welfare Council of Metropolitan Chicago. **Pat Lawler** has replaced him as the deputy Director for **Head Start** Operations office . . . . . .

Sylvester Ames, Jr. has left **CCOEO**. Sylvester who has been with **CCOEO** for 2½ yrs. is enrolled in the business school of the U of I (Circle Campus). It's full time study for him now Good Luck . . . . . .

Bye Bye to **Bobby Bird**. Bobbi, once assistant to Clyde **Brooks** in **Manpower**, left for California . . . . It's oranges for that Bird . . . . . .

Leon King, youth Coordinator in Harvey, Dixmoor and Phoenix, has complained. For our information a Black Book Store has been operating there for some time. He says plans are now underway for a Black studies Library . . . . . .

Granville Neal is now the Coordinator of the **Youth Action** Program. Mr. Neal took over for **Lonnie Freebairn**, who left for other pastures.

Gladys Lodree is the **VISTA** coordinator. Her **VISTAS** have been very active in **CCOEO** communities.

Flo Triendl is **Booker Henderson's** new Executive Secretary.

Leslie Smith is the new Director at Southwest. He took over for **Stan Kapuscik** who is now heading **Operation Nutrition.**

The **Manpower** Committee of the Governing Board took a tour of South Cook County lead by yours truly **Charles Autenrieth**. They were quite impressed and even shocked by some of the things they saw in the communities. They now look with open eyes at **CCOEO.**

Its **Tom Romcoe**, manager of the Xerox and Supply room. He is an accomplished artist and hopes one day to have his work hung in the Art Institute. The unknown talent we have on our staff is stifling.

. . . . bet you didn't know **Archie Robinson**, Chief Accountant, was a juggler . . . . . .

Pat Altier and **Lou Terry** have been appointed warehouse Foremen of **Operation Nutrition.**

Rev. Claude Porter is now Director of Maywood Operation Uplift Service Center.

Rose Wheeler is new Director of Social Services for **Head Start**.

Lillian Parnell is the new receptionist, who sits next to sec. **Roberta Gilbert**, at **Maywood Operation Uplift.**

And in Evanston, **NAW Betty Washington** and **Hortense Miller** keep the Typewriters buzzing.

Laurie lee Behnke is **Stan Kapusciks** pretty new Ad Assistant in **Operation Nutrition.**

Film of a film of a film

At a recent **Head Start** in service training session, at the Claire Blvd Center in Robbins, one film company was making a documentary of another film company, who was showing their film and discussing the concept contained.

The company being filmed was Three Prong Television Productions Inc., a non-for-profit company funded through the Erickson Institute for Early Education. Three Prong is experimenting in new concepts of pre-school education through film. They have already won educational and film awards.

At the in service training session, the new film series, named The Metooshow, was shown to a group of **Head Start** teachers. After the film, a workshop session, led by Bonnie Bellow, a former **Head Start** specialist now with Three Prong, was held with the teachers. This was done in order to get opinions of this new concept in education.

Three Prong, which offers the films free, has attracted the attention of Kartemquin, a private company, who is now in the process of documenting Three Prongs' success.

The **Head Start** teachers said the film was excellent and highly recommended its showing to pre-school children.

RON SAUNDERS, director of Head Start at CCOEO said "The film is an excellent way for pre-schoolers to learn. It is an innovative and effective approach to education." Ron is to be commended for his inginuity for contacting Three Prong in the first place.

Editor . . . . **Larry Price**
Photographer
Reporter
Contributing Reporters . . . . **CCOEO Staff**

**Cook
County
Office of
Economic
Opportunity**

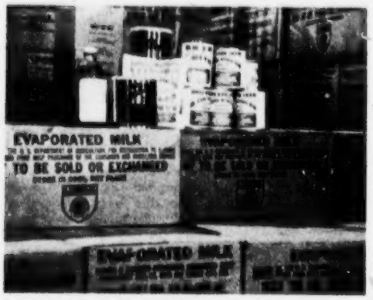
InC

**Together
for
Tomorrow**

VOL. 2 NO. 1

JANUARY 1970

FOOD IS HERE



Cartons of Food at O.N. Warehouse

Throngs of people streamed in and out of the Operation Nutrition centers coming in with a piece of paper and leaving with a carton of food. The food for Operation Nutrition's first distribution day arrived in time for Thanksgiving to the people who were eligible in the Maywood and Chicago Heights distribution points.

In Maywood, Sam Brown of ABC-TV was on the scene to cover the story. "Over 80,000 people in the Suburban Cook County area are in need of food," he said in his T.V. broadcast. He spoke from the Operation Nutrition center in the American Can Co. warehouse at 11th Avenue and St. Charles Road, Maywood. In Chicago Heights, the Village Hall on 14th Street and Chicago Road is the Operation Nutrition Distribution Center. Respond Now, Inc. has assumed the job of seeing that the food distribution is carried out with volunteer support from the League of Women Voters and other groups. CCOEO staff have put in many extra hours on those days to see that food reached those in need.

An estimated 400 persons were served by the two centers according to Operation Nutrition Director, Stan Kapuscik. In Maywood, Mrs. Ellen Bates, Secretary of CCOEO Governing Board used her car to help transport the recipients and their food packages to their homes. Kathy Bearad, Greg Clemmens and Dan Pickins of VISTA helped prepare the food packages as the recipients arrived.

O.N. (Operation Nutrition) is that CCOEO program which is run in conjunction with the United States Department of Agriculture for economically eligible women who are pregnant and/or post-partum and children under six years old. Even though Operation Nutrition field staff signed up recipients and assisted Public Health Personnel in certifying eligibility, some ten people came into the Center in Maywood to be certified eligible at the time the food was distributed. Thus the expectations of numbers of people to be served may be far surpassed.

To meet the need for education in preparing the supplemental foods in the most appetizing manner, the field staff is now undergoing a thirteen week training course in homemaking, cooking, budgeting and innovative techniques in increasing economic power for the low-income population.

YOUTH GET INVOLVED

The Chicago Heights Service Center, directed by Clyde French, is involved in a variety of programs. To help with these programs, youths like Ron Harper have volunteered their services. Ron is the chairman of the Youth Action Committee in Chicago Heights.

Sam Brown of ABC-TV Reporting on Operation Nutrition

Recently Ron presided over a meeting attended by Clyde French and Youth Coordinator Edgar Brinson. Also present at the meeting were John Brandley of Urban Research, Juan Castillo, Youth Coordinator at El Centro, five El Centro youth, Ron Barliant, a VISTA lawyer, and citizens and parents from the Chicago Heights Community.

(continued on next page)

CCOEO + COMMUNITY = PLANS

For the first time in CCOEO history a planning conference was held which included both Suburban Cook County Community residents and CCOEO representatives. Some 80 people gathered at the University of Chicago Center for Continuing Education. This conference included representatives from the 7 Center Advisory Committees. They spoke of community needs and plans. Also present were representatives from the CCOEO Board of Directors, executives, and project and Center Directors. Overall the conference was a healthy display of effort in behalf of the poor.

CCOEO Community Residents

"The Purpose of the Conference", according to Jack Arnold, Planning Division, was to provide a form for all of the CCOEO planning groups to meet and discuss agency objectives and focal point the agency's plans for the coming year. On the basis of these plans, proposals were submitted to the CCOEO Board of Directors for approval and then to the Regional OEO for funding the coming year.

The conference began with Booker Henderson, Associated Director for Community Development, saying, "Speak Out For Your Community." Charles D. Hughes, Executive Director of CCOEO, then expressed his desire to see the continuation of the policy resulting in greater community control of the neighborhood centers and their program activities.

Speaking for Evanston Neighbors at Work, Mr. Tom Fuller, Chairman of the Center Advisory Council said: "I do not see OEO as a cure all. OEO has made people aware that there is a better way of life." Mr. Fuller spoke of specific program aims with emphasis on projects to help poor people become self-sufficient through economic development.

Mr. Robert Coddington from Northwest Opportunity Center said they have raised 40% of the yearly budget through contributions. "We certainly are close to being self-sustaining and that is one of our goals."

Mrs. Edell Hodges of Harvey spoke of the need for job training programs for the 3000 youths in their community.

From Chicago Heights, Miss Alfredo Amos said, "Let the community identify its own needs and break down the barriers against the poor."

Mr. Perez, also from Chicago Heights said: "It is impossible for a low income person to live in a decent house without a decent job. A man cannot get a decent job without an education. Therefore, among the Spanish speaking, English language instruction, basic education, and employment referrers are priorities."

Mr. Henderson commented on the Planning Conference: "It is healthy educational experience. With a growing community awareness, similar to that displayed at the conference, CCOEO will be much more effective."

In concluding the conference Mr. Hughes said. "Funds can be available through traditional programs for creative approaches.

"An example is a Comprehensive Health Center which will soon open in Maywood funded by family Planning and Operation Nutrition. OEO still is the most flexible Federal program and the one most responsive to community needs."

YOUTH GET INVOLVED *(continued from first page)*

The meeting dealt with the needs of youth in Chicago Heights and plans for the future. There was discussion concerning jobs, recreational facilities, youth representation on the Chicago Heights Service Center Advisory Council, and small business experience.

Another item discussed at the meeting was the housing development corporation, Home Inc., directed by Jay Ridinger. Home is remodeling and rehabilitating houses in the Lincolnway area of East Chicago Heights. Also discussed were the Day Care and Head Start facilities in East Chicago Heights. It was learned at the meeting that the Youth Action program in the East Chicago Heights Community Service Center on Lincoln Highway has an exhibit of arts and crafts meeting professional standards.

Clyde French, commenting on the interest of Youth in CCOEO activities said; "Ron Harper is an example of the growing concern in the Chicago Heights and East Chicago Heights communities. This area is coming together to get a variety of needed programs." Mr. French added that "with the effort and interest increasing as it is in Chicago Heights, the community will soon be opening the poverty cycle."

Clyde French, Center Director, Edgar Brinson, Youth Action Coordinator, Ron Harper, Chairman, Youth Council.

ROLL ON ROLLING MEADOWS

ARTURO HURTADO was recently appointed to the position of Community Organizer, by unanimous vote of the Northwest Opportunity Center Advisory Board in Rolling Meadows.

Mr. Hurtado, from Mexico City, came to the Divine Word Seminary in Techney, Illinois, to study for the priesthood. In the course of his studies he heard about the Northwest Opportunity Center, in nearby Rolling Meadows, through the Viscount at the Seminary. After visiting the Center, Don Maldonado, Director, began to interest him in the problems of the community.

Arturo soon became involved in the problems of the Spanish speaking. Although it was a very difficult decision to reach, he accepted a position with the Center to serve the Spanish speaking community.

Arturo Hurtado at work in Northwest Opportunity Center

His first appointment was in family services, as an outreach worker. His job was to go into the community to determine need, and inform residents of the services of the center. In the course of his work, he helped organize the community to help themselves.

A trailer court in Elk Grove Village was aroused to concerted action because of exhorbitant electric bills charged to camp residents. As a result, the practice stopped. "The trailer camp," said Mr. Hurtado, "was really in bad shape." The grounds were not graded, water backed up into trailers and, most of all, the people were afraid of confronting the landlord.

Legal aid lawyers were called into a meeting of residents and the landlord, and new rules were established in the trailer court. The owner, realizing the problem, even hired some boys in the court to help clean up. Lately, the ground has all been filled with gravel and the drainage system repaired.

"There are many more problems in the area," he said. "Over 800 low income families live here, most in substandard houses.

"Just yesterday, six families were in looking for housing. They now live in junked trailers and the like. They cannot afford to pay more than $120 per month for rent."

These migrant families are from Texas, via the Farm Workers Trail; Northwest Cook County is on this trail. Most usually have no definite jobs, but soon find work in the area. A man may receive $2.00 per hour, but at times his wife and children must help with the work. The employer landlord provides a place to live. There have been instances, however, when if the family does not help the landlord, they are evicted.

When these families arrive in the area, they need help until their first check is received. The Northwest Opportunity Center provides job placement and medical and social services.

But 50% of the migrants still leave after the crop is picked, mainly because the housing is inadequate for winter shelter. Mr. Hurtado said, "If the people had adequate housing they would remain."

Mr. Hurtado, who is finishing work on his Masters Degree in education and philosophy, is committed to helping the Spanish speaking people in the community to help themselves.

ARGO BUYERS CLUB

A Buyers Club, run by Argo-Summit community residents is in operation each Monday from 6-8 P.M. at the Southwest Opportunity Center, in Argo-Summit.

This club, which began last May, with sales of 60 dozen eggs per week, has sold as many as 210 dozen per week and is now expanding to other products.

The club purchases from the Metropolitan Co-operative League. This league, which owns an egg processing plant in Indiana, has helped many buying clubs become operational.

The club, organized by welfare mothers, has the help of Mrs. Lois Strunk and Mrs. Louise Nishiama of VISTA. In the near future, the Black Youth Council may also become involved in this thriving operation.

Mrs. Strunk said, "The objectives are to increase the item inventory for a particular group of people so that each in the same group gets a larger variety of goods."

Some prices are substantially below those in retail stores. For example, when eggs were 60¢ to 80¢ a dozen, the co-op price was 40¢. Likewise, detergents were sold for as much as 50¢ below that charged in retail stores.

VISTA's Mrs. Louise Nishiama, Mrs. Lois Strunk at Argo Center

"The hope of the club," according to Mrs. Strunk, "is to inform the whole community of the existence of this service, and to extend to Palos Hills and Roberts Park." Mrs. Strunk suggests that any groups interested in forming a club contact her at the Southwest Opportunity Center, in Argo-Summit.

And mama frowns a mother's frown
Then smiles inside
And is warm deep down
And the hope that seems so far away
Comes much closer to her each smile-filled day
And she finds it in herself to say
"The World Is Getting Better".

by
Larry Price

COOK COUNTY OFFICE OF ECONOMIC OPPORTUNITY

FOR INFORMATION CALL 922-5946

NEIGHBORHOOD SERVICE CENTERS

CHICAGO HEIGHTS NEIGHBORHOOD SERVICE CENTER
293 East 14th Street
Chicago Heights, Illinois 60411
Mr. Clyde French, Director 757-5331

EL CENTRO DE OPPORTUNIDAD
Mr. Don Maldonado, Director 754-4575

EVANSTON NEIGHBORS AT WORK
1231 Emerson Street
Evanston, Illinois 60201
Mr. Albert Thrasher, Director DA 8-5166

HARVEY NEIGHBORHOOD SERVICE CENTER
14726 Oakley Road
Harvey, Illinois
Mr. Fredric Davis, Director 339-3610

MAYWOOD OPERATION UP-LIFT COMMUNITY SERVICE CENTER
521 Madison Street
Maywood, Illinois 60153
Rev. Claude Porter, Director 344-7700

NORTHWEST OPPORTUNITY CENTER
3411 Kirchoff Road
Rolling Meadows, Illinois 60008
Mrs. Karen Stanley, Director 255-3456

SOUTHWEST SUBURBAN OPPORTUNITY CENTER
7633 West 63rd Street
Summit, Illinois 60501
Director 458-8020

PROGRAMS

1. Neighborhood Service Systems
2. Head Start
3. Day Care
4. Operation Nutrition
5. Youth Action
6. Manpower
7. HOME
8. Family Planning
9. VISTA
10. Legal Aid
11. Welfare Rights Organizations

NATURE OF AGENCY

By
Charles D. Hughes Jr.
Executive Director

The Cook County Office of Economic Opportunity, Inc. (CCOEO) was chartered in June, 1966 under the laws of Illinois as a private, not-for-profit community development corporation dedicated to community progress through community action. From January, 1965 until its incorporation in June, 1966, CCOEO was organized and administered as a public agency under the auspices of the Cook County Board of Commissioners.

The Cook County Office of Economic Opportunity has responsibility for community development activities in all of Cook County, Illinois, outside the City of Chicago. The area of its jurisdiction is 732 square miles containing approximately 2 million persons, over 100 separate municipalities and over 450 separate governmental units. Approximately one out of twenty persons in suburban Cook County have incomes below the poverty-line; or 120,000 persons in 27,000 families. Since the 1960 census, this figure has been reported by reputable sources to have steadily increased. The problems of poverty are as diverse in suburban Cook County as for the nation as a whole. They range from Spanish-speaking migrant labor problems and racially isolated ghetto areas to entire municipalities which are economically depressed.

The Cook County Office of Economic Opportunity, Inc's general purpose is to create through comprehensive and coordinated program activities a climate of awareness within which conscious, self-directed social change toward the elimination of poverty and its causes can and will take place on the part of individuals, families, and social service, economic, and political institutions. In order to accomplish its general purpose, CCOEO, either by itself or in cooperation with other persons, firms, corporations, or organizations (including agencies of federal, state, and local governments), may engage in the development and/or implementation of programs relating to, among other things, employment, job training and counseling, health, nutrition and family planning, housing development, day care, pre-school education, neighborhood service centers, and community social service planning.

The United States Treasury Department, Internal Revenue Service, has determined that CCOEO, as a nonprofit, charitable, educational organization, is exempt from federal income taxes; and that all contributions made to it and used in furtherance of its stated purposes are tax deductible by donors.

The Cook County Office of Economic Opportunity, Inc. is organized as a voluntary, cooperative association of six (6) Center Advisory Committees. These target area commitees are themselves voluntary associations of individuals, governmental institutions, public service agencies, and private agencies and groups, all of whom have chosen to cooperatively work together to promote the development of the human resources of their area. As of July, 1969 these six areas are: Northwest Cook County, Evanston, Maywood and La Grange, Argo-Summit, Harvey-Phoenix-Dixmoor-Robbins-Markham Area and East Chicago Heights-Chicago Heights. Relative to CCOEO as a corporate body, target area committees function principally as policy advisory committees, developing program ideas, and providing the coordination framework within which maximum local involvement and participation is achieved.

The Cook County Office of Economic Opportunity, Inc. is governed by a Board of Directors of not less than 39 nor more than 51 members. As of July, 1969 membership has been set at 39 members. Membership on the Board is for three years, and is obtained by being elected as a representative of a target area committee (each committee having 5 members), or appointed as a representative of county-wide public service agencies (5 members), or elected as an at-large member by the Board itself (4 members). These 39 persons collectively represent, on a bi-racial, multi-ethnic basis the interest of government, welfare services, education, other significant elements of organized community leadership, and residents of the areas and members of the groups to be served by programs implemented by CCOEO.

The Cook County Office of Economic Opportunity, Inc's policy making Board of Directors composed of a broadly based representation organized on a suburban Cook County basis, and involving the coordination of a variety of anti-poverty activities meets the requirements of the United States Office of Economic Opportunity for recognition as a Community Action Agency and eligibility to receive grants under the Economic Opportunity Act as amended.

Although CCOEO may itself carry out the administration of community action programs, it may also delegate under contract the conduct of certain programs or parts of programs to local, public, or private non-profit organizations. Wherever possible, CCOEO elects to delegate projects or activities to community based groups whose membership consists principally of members of the groups or representatives of the community to be served by anti-poverty activities.

While CCOEO, as a Community Action Agency, is principally supported by funds received through the Economic Opportunity Act, it conceives of its role as having a broad community development function. New ways are constantly being explored to tap other sources of financial assistance, federal, state, and local, by which communities can improve the level of living of their people. In this connection, CCOEO's staff works closely with community efforts to develop programs under, for example, the Elementary and Secondary Education Act, Housing Act, Demonstration Cities Act, or Illinois Housing Development Board; to develop local, voluntary efforts directed toward creating new or improving existing services such as youth programs and comprehensive health care services; and to assist in developing the potential of community leadership and educating that leadership to a better understanding of the problems and needs of their people.

CHATTER CORNER

What would happen if **CCOEO** went into the Junior achievement business? Neighborhood Youth Corps could join with Youth Action and make it work. **Ron Saunders,** Head Start Director, says the idea is feasible from the point of view of Head Start because toys and furniture are needed at the Head Start projects. The toys and furniture could be made by Youth Operating service small craft shops.

Transportation is the problem. **Lois Kocian,** planning consultant, says the ground work could be laid for a "Livery Service in Maywood," carring people to and from work sites. **VISTA** lawyer **Cliff Russell,** a Harvard Law School Graduate now with Operation Uplift Community Service Center into it.

Carol Hyslop, M.D., is giving immunization injections and medical checkups to Head Start children in the **CCOEO** area. The doctor adiministers physical exams and innoculations to the youngsters, then, if needed, refers them to other facilities.

Germaine Gordon is Administrative Assistant to **Jack Arnold** in Planning, and **VISTA Warren Stern** has joined **VISTA Dan Ratner** and **Don Cruser** at Neighbors at work in Evanston.

Alton Belcher is in the real estate business. **Alton,** formerly with N.Y.C. in Evanston is trying his hand at development. More about that next time.

Caroline Grey has moved to Internal audit from Manpower accounting.

Home – a nice place, if you have one. The crew at Home is alive and doing well in East Chicago Heights. Workmen have now started rehabilitating homes in the Lincolnway community. **Jay Ridinger, Pete Williams, Ersina Presley** and **Betty Hunt** work out of the Home Mobile Office, arranging for the rehabilitation and sale of those houses.

Karen Stanley is the new Director of the Northwest Opportunity Center in Rolling Meadows. She moved into **Don "Wild Bill" Maladonado's** Office.

Mr. Maladonado, a favorite of the Rolling Meadows community, has been asked to challenge a new frontier. **"Wild Bill's"** new assignment is El Centro de Oportunidad, in Chicago Heights. Because El Centro burned down, **Don** can usually be reached at the Illinois Migrant Council Office in Chicago Heights.

Family Planning has **Mary Ford, Bobbie Jo Danalson, Frank Edwards** and **Doris Baldwin** as their C.H.A. (Community Health Assistants.) **Jogues Epple** is the Director of this project.

Operation Nutrition has a staff of hard workers! Here are a few members; **Jean Davis** is the Nutritionist, and **John Jenkins** has been added to the warehouse staff. Outreach workers, **Freddie Bitle** and **Jennette White,** are in Harvey. **Blanch Jensen** is in Argo and **Flo Carden** in Maywood; **Imogene Williams** in Evanston and **Amelia Kennedy** in Chicago Heights.

The Harvey Community Service Center now has **Fred Davis** as its Center Director. He replaces **Lois Rayon,** Acting Director. The new center is located at 14720 South Oakley Court, Harvey. Phone 339-3610 for more information.

Also in Harvey is **Lucille Dawson,** Head Start Co-ordinator for that area. **Carol Atkins, Shirley Rogers, Lydia Tomowiak** and **Loretta Wise** now take turns at the switch board at Central Office. (Any compliment or complaints, call them by name.)

Mel Robertson's Administrative Assistant is **Evelyn Holmes. Evelyn** is back at work after being hospitalized for a concussion caused by a thief in his attempt to rob her. Glad to see her back.

From Manpower: **Rose Demars,** part-time NYC specialist is now on full time, says Manpower Director **Clyde H. Brooks.** Also on board in the New Faces in Manpower are: **Dennis Treadwell,** Program Operator; **Lurri Vree,** On The Job Training Specialist; **Larry Porter,** On The Job Training Specialist; **Jiyum Kim,** Bookkeeper; **Elizabeth Johnson,** Program Assistant; and **Helena Stephen.** Manpower N.Y.C. Staff is working on academic accreditation for NYCers – it looks good.

Mr. Brooks added that staff are currently involved in developing a comprehensive Manpower program to be implemented in Suburban Cook County. News from the Manpower O-Gram in power news flash is A. B. Dick & Co. of Niles has requested the assistance of the Manpower Division with a comprehensive employee recruitment program.

In Northwest **Raul Garcia** and **Lupe Rosas** are reaching out. On another scene it's the East Chicago Heights Service Center. Working with Head Start in that Center are **Kathleen Balfour** and **Jennie Robinson.** Also in that community it's **Ruth Harris** at the Blake House with **Alice Bennett; Rudy Lee,** and **Lucille Griffin** at the Yates House.

From Head Start, Evanston has a Day Care Center with 22 children. The Center is run in cooperation with Evanston School District 65. **Chester Wilczak** does a lot of work on the payroll. **Margaret Woods** and **Elizabeth Darey** give him a good hand.

A recent Sun-Times Editorial pointed out that "Poverty – causes the deadening of spirit, the pressurized frustration that prompts persons to commit crime. – If money (for better programs) is not available immediately, the alternative could be an armed urban as a Symbol of America, the time to forestall that possibility is right now." And they're right on . . . .

Editor
Photographer . . . . **Larry Price**

U.S. Department of Health, Education, and Welfare,
Social and Rehabilitation Service,
Children's Bureau, Nutrition Section,
Washington, D.C., December 17, 1968.

Supplementary Food Program For Low-Income Groups Vulnerable to Malnutrition

(A joint statement developed by the Children's Bureau, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare and the Consumer and Marketing Service, U.S. Department of Agriculture.)*

This joint statement concerns a Supplementary Food Program for Low-Income Groups Vulnerable to Malnutrition in which the Department of Health, Education, and Welfare and Office of Economic Opportunity are cooperating with the U.S. Department of Agriculture. Federal, regional, State and local health, education, and welfare programs are urged to cooperate in (1) the identification and authorization of needy persons who require additional food for a health reason, (2) the distribution of supplementary foods to such persons, and (3) concurrent food and nutrition education programs for them and their families.

The primary objective of the program is to make available selected nutritious foods to individuals in vulnerable groups in low-income families who do not have an adequate food supply and who have been identified as needing food for health reasons. Vulnerable groups as defined for this supplemental food program include infants, preschool children (13 months through 5 years), pregnant women, post-partum and nursing mothers, all of whom may be susceptible to nutritional deprivation because of increased nutritional requirements for growth or pregnancy and lactation, or disease states, particularly those related to nutrition.

The specific legal basis or authority for the new program to operate when USDA's Food Stamp Program is operating is found in P.L. 90-463 which is the new appropriation act for the U.S. Department of Agriculture. In other areas the foods will be drawn from those acquired under USDA's price support and surplus removal legislation. For this program USDA funds are available only for food. Additional money needed for storage and distribution costs, educational aspects and clerical needs will have to be obtained from other sources—e.g., county or city government, local Office of Economic Opportunity or Community Action Programs. The Office of Economic Opportunity is actively supporting the program where its Comprehensive Health Care Program exists and is encouraging Community Action Program's to support it in other areas.

The criteria for participation in the program will include both a *health* and a *financial* component. Any individual in a vulnerable group whose need has been identified and who has by a means test that considers age, income, (location and income of parents, if a minor) and employability, been found to be eligible for existing health or welfare programs will be eligible for this new program. Examples of such eligible programs include the Office of Economic Opportunity's Comprehensive Health Services; the Children's Bureau's Maternity and Infant Care Projects, Children and Youth Projects and Family Planning Projects; the Indians receiving free medical and health care from the Division of Indian Health; the Food Stamp and Commodity Distribution program participants; those receiving federally aided public or medical assistance; and those who qualify for receipt of health services provided by State, county or local public health services at no fee or substantially free.

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*This memorandum supersedes the 1964 joint statement on "Improving the Nutrition of Needy Mothers and Children" prepared by CMS, U.S. Department of Agriculture, and the Children's Bureau, U.S. Department of Health, Education, and Welfare.

Eligible individuals will receive food upon the receipt of an appropriate authorization which may be issued by a physician, public health nurse, social worker, nutritionist, or other staff member whom the physician may designate.

The authorization rates and a description of the foods which are to be made available are described in two informational sheets prepared by the USDA and included in the accompanying kit of materials, namely: "Maximum Distribution Rates in Supplemental Food Program for Low-Income Groups Vulnerable to Malnutrition" and a "Descriptive Listing of Supplemental Foods for Low-Income Groups Vulnerable to Malnutrition."

State distributing agencies are authorized to negotiate an approvable plan of operation with State, county or local public health and welfare organizations. (See "USDA Policies and Procedures.")

HOW TO INITIATE A PROGRAM

In order to initiate a project (1) the State or local health agency should contact the State Director of the Commodity Distribution Program, and also inform the Children's Bureau Nutrition Consultant for their region or (2) the State or local food distributing agency should contact the State or local Director of Public Health or the Director of a Maternity and Infant Care, Children and Youth Project, or Family Planning Project.

OUTREACH EFFORTS

It is important that all organizations concerned with improving the nutritional status of low-income families cooperate in an "outreach effort" to see that the program is accessible and understood by all needy families in the area. Orientation about this new program should be provided for the personnel of all the community agencies including agriculture, health, education, welfare agencies, and community action programs.

NUTRITION EDUCATION

To further strengthen this effort it is important for cooperating agencies and groups to plan and carry out a concurrent food and nutrition education program. To assist in this endeavor the Consumer and Marketing Service of USDA and Children's Bureau have developed specific educational materials for this program. These are listed on the order form included in the accompanying kit of materials.

In addition, State and local public health agencies have many good educational materials in maternal and child feeding which might be utilized.

Attached is a kit of informational and educational materials to help you in initiating and developing this program:

A copy of the USDA Policies and Procedures for the Program.

(CFP (C-D) (Instruction 708) Authorization Rates and Descriptive Listing of Foods for Supplemental Food Program:

Exhibit A—Maximum Monthly Distribution Rates in Supplemental Food Program for Low-Income Groups Vulnerable to Malnutrition.

Exhibit B—Descriptive Listing of Supplemental Foods for Low-Income Groups Vulnerable to Malnutrition.

An authorization form.

A list of the State Food Distribution Directors.

A list of Directors of Nutrition in State and Territorial Public Health Agencies.

Educational materials from U.S. Department of Agriculture and Children's Bureau (See attached list).

UNITED STATES DEPARTMENT OF AGRICULTURE
Consumer and Marketing Service

CFP(CD) INSTRUCTION 708-6
Exhibit A

MAXIMUM MONTHLY DISTRIBUTION RATES FOR SUPPLEMENTAL FOOD PROGRAM FOR LOW-INCOME GROUPS VULNERABLE TO MALNUTRITION

Foods	Unit	Units Per Month for Specific Groups			
		Infants		Young Children	Women
		0 Thru 3 Months	4 Months Thru 12 Months	13 Months Thru 5 Years	(Pregnant, Nursing, Post Partum)
Evaporated Milk	14-1/2 Oz. Can	30	30	30 [1] 10 [2]	2
Instant Nonfat Dry Milk [3]	2.4 Lb. Package			1 [2]	1
Milk Beverage Mix	2 Lb. Package				2
Canned Meat or Poultry	29 Oz. Can, or Larger			1	1
Peanut Butter	2 Lb. Can or Jar			1 [4]	1 [4]
Scrambled Egg Mix	12 Oz. Can		1	2	1
Canned Juice: Apricot Nectar, Grape, Prune, Tomato, or other juice [5]	32 Oz. Bottle (Prune Juice) 46 Fl. Oz. Can (Other Juices)	1	2	3	3
Canned Vegetable: Green Beans, Green Peas, Tomatoes, or other vegetable	No. 303 Can (15-16 Oz.)			4	7
Dehydrated Potatoes (Instant Mashed)	1 Lb. Package			1	1

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Foods	Unit	Units Per Month for Specific Groups			
		Infants		Young Children	Women (Pregnant, Nursing, Post Partum)
		0 Thru 3 Months	4 Months Thru 12 Months	13 Months Thru 5 Years	
Enriched Quick-Cooking Farina	14 Oz. Package	2	2	2	1
Corn Syrup Blend	16 Fluid Ounces	3	3 6/		

1/ For children 13 months thru 2 years of age.
2/ For children 3 through 5 years of age.
3/ Not presently available. Substitute 4-1/2 pound package of regular nonfat dry milk.
4/ Two months' supply.
5/ Prune juice should not be issued for infants. One bottle of prune juice may be issued occasionally in place of other juices for children 13 months through 5 years of age. Women (pregnant, nursing and post partum) should be issued one bottle of prune juice, if available, plus two cans of other juices.
6/ Optional.

UNITED STATES DEPARTMENT OF AGRICULTURE
Consumer and Marketing Service

CFP(CD) INSTRUCTION 708-6
Exhibit B

DESCRIPTIVE LISTING OF FOODS FOR SUPPLEMENTAL FOOD PROGRAM FOR LOW-INCOME GROUPS VULNERABLE TO MALNUTRITION

	Foods	Unit	Yield	Special Features
Milk Group	Evaporated Milk (fortified with 325 I.U. of Vitamin D	14-1/2 Oz. Can	13 fluid ounces. Reconstitute 1 part milk to 1 part water.	1 cup (reconstituted) provides 100 I.U. of Vitamin D. Same as commercial product.
	Instant Nonfat Dry Milk (fortified with Vitamins A and D)	2.4 Lb. Pkg.	1 package makes 10 quarts fluid milk. Reconstitute 1 part milk to 3 parts water.	1 cup (reconstituted) provides 500 I.U. Vitamin A and 100 I.U. Vitamin D. Same as commercial instant NFDM except fortified.
	Regular Nonfat Dry Milk	4-1/2 Lb. Pkg.	1 package makes 19 quarts fluid milk. Reconstitute 3/4 cup (3-3/4 oz.) NFDM + 3-3/4 cups water = 1 quart.	Special purchase. Not commonly sold on commercial market. To be distributed until supplies of instant NFDM available.
	Instant Milk Beverage Mix (chocolate flavored), fortified with Vitamins A, C, D, and iron.	2 Lb. Pkg.	1 package makes about 20 servings (8 fl. oz. each) Reconstitute 1/2 cup mix (1.7 oz. dry) to 1 cup cold water.	1 cup (8 fl. oz.) provides 345 I.U. Vitamin A, 34 I.U. Vitamin D, 6.5 mg. Vitamin C, and 1.58 mg. iron. Can be served hot or cold.
Meat Group	Canned Whole Chicken	50 Oz. Can	16 ounces (about 3 cups cut-up chicken and 2 cups broth.	Fully cooked, ready to eat. Packed whole without giblets.
	Canned Boned Turkey	29 Oz. Can	26 ounces (5-1/2 cups cut-up turkey.	Fully cooked, ready to eat. Solid pack with light and dark meat.
	Canned Beef or Pork with Natural Juices	29 Oz. Can	20 ounces meat (3-1/2 cups meat and broth).	Fully cooked, ready to eat.
	Scrambled Egg Mix	12 Oz. Can	3 cups dry mix = 12 whole eggs. 1 ounce (or 1/4 cup) egg mix is equivalent of 1 whole egg. Reconstitute 1 part egg mix to 1 part water	Dehydrated, pasteurized, salmonella negative. Contains 51% whole egg solids, 30% nonfat milk solids, 15% vegetable oil, 1.5% salt.
	Peanut Butter	2 Lb. Can or Jar	3-1/2 cups (56 tbsp.)	Same as commercial product.

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CFP(CD) INSTRUCTION 708-6
Exhibit B

	Foods	Unit	Yield	Special Features
Fruit-Vegetable Group	Canned Juices:			Fortified apricot nectar, grape, and prune juice provide 45 mg. ascorbic acid per 3-1/2 ounce serving. Stress use as juice for maximum Vitamin C content.
	Apricot Nectar (Vitamin C added)	46 Fl. Oz.	About 6 cups	
	Grape (Vitamin C added)	46 Fl. Oz.	About 6 cups	
	Tomato	46 Fl. Oz.	About 6 cups	
	Prune (Vitamin C added)	32 Fl. Oz.	4 cups	
	Canned Vegetables: Green Beans Green Peas Tomatoes (or other vegetable)	No. 303 can	15-16 ounces, or 2 cups	Same as commercial product.
	Dehydrated Potatoes (Instant Mashed), fortified with Vitamins A and C	1 Lb. Pkg.	Flakes: 1 pound (or 9 cups) makes 13 cups mashed potatoes. Granules: 1 pound (or 2-1/4 cups) makes 11 cups mashed potatoes.	Flakes: 1 cup mashed, reconstituted, provides 1,230 I.U. Vitamin A, 62 mg. ascorbic acid. Granules: 1 cup mashed, reconstituted, provides 1,455 I.U. Vitamin A, 73 mg. ascorbic acid.
Bread-Cereal	Farina, enriched with extra iron	14 Oz. Pkg.	12 cups cooked cereal per package. Cook 2 tablespoons (3/4 ounces) dry farina in 1 cup water for 2/3 cup serving.	1 serving (2/3 cup cooked) provides 8 mg. iron. Quick-cooking. Similar to commercial farina with standard enrichment levels of thiamine, riboflavin and niacin, plus 180 mg. elemental iron per pound.
Other	Corn Syrup Blend	16 Fl. Oz.	2 cups	Same as commercial product.

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U.S. Department of Agriculture,
Consumer and Marketing Service,
Consumer Food Programs,
Washington, D.C.

Action by: CFP District Offices; State Distributing Agencies; Cooperating Federal Agencies.

Authorization Rates and Descriptive Listing of Foods for Supplemental Food Program for Low-Income Groups Vulnerable to Malnutrition

I PURPOSE

This Instruction furnishes suggested rates of authorization for supplemental foods to be delivered to individuals in vulnerable groups in low-income families who have been identified as needing food for health reasons (Exhibit A), and a descriptive listing of these foods (Exhibit B).

II EFFECTIVE DATE

This Instruction is effective upon receipt.

III BACKGROUND

Explorations for implementing the Supplemental Food Program disclosed that health officers wanted guidance so as to establish some uniformity in the quantities of foods to be prescribed. The rates attached (Exhibit A) have been established in response to that need in consultation with pediatricians and nutritionists of the Children's Bureau and Indian Health Service of the U.S. Department of Health, Education and Welfare. For infants under one year of age the foods and quantity recommended can make a substantial contribution to their diet. In particular, the recommended quantity of iron enriched cereal can provide the full daily requirements of iron for infants. These supplemental foods, at the rates suggested for children (13 months through five years) and for women (pregnant, nursing and post partum), will help meet the energy and nutritional requirements of these groups.

IV USE

These rates of authorization are provided to guide health facilities, distributing agencies, and distribution centers in the authorization for and release of foods. The rates shown are maximums, on a per-person-per-month basis, for each food item. If all foods listed are not available for distribution, substitution of equivalent items in the same food group may be made. The quantities of foods listed may be made available without regard to whether recipients are already participating in the Commodity Distribution Program for families or the Food Stamp Program. The descriptive listing supplies information concerning the fortification of the foods, container contents, yields, and other characteristics.

V DISTRIBUTION

This Instruction is to be provided health facilities and distribution centers issuing supplemental foods by the state distributing agencies or the Consumer Food Programs District Office, as applicable. Health facilities are to provide Exhibit A (or the information contained thereon) to physicians and other related staff members who may be issuing prescriptions either at the health centers or to money payment or medical assistance recipients of public welfare programs who have been referred to them for treatment.

VI REVISION

The maximum rates and descriptive listing (Exhibits A and B) will be revised and reissued as the need arises. They will be transmitted by a numbered CFP Notice and are to be maintained with this Instruction.

Howard P. Davis,
Deputy Administrator, Consumer Food Programs.

Guidelines for Referral of Persons to Operation Nutrition

I. INTRODUCTION

The Operation Nutrition program is designed to supplement the diets of low-income persons vulnerable to malnutrition. Because it is a supplement for purposes of preventing possible malnutrition, the receipt of these foods by the client cannot affect any other financial grants or services which the client is entitled to.

Below is a chart indicating the kinds of foods available and recommended maximum allotments for each age group which will be served.

SUGGESTED USDA MONTHLY DISTRIBUTION RATE

Item	Infants		Young children		Pregnancy post-partum, lactation
	0–3 months	4–12 months	13–24 months	2–5 years	
Evaporated milk	30	30	30	10	2
Milk, NFD				1	1
Farina	2	2	2	2	1
Corn syrup	3	[1]3			
Canned fruit juice or vegetable juice[2]	1	2	3	3	3
Canned fruit or vegetable			4	4	7
Egg mix, scrambled		1	2	2	1
Canned poultry or alternate			1	1	1
Peanut butter			[3]1	[3]1	[3]1
Instant potatoes			1	1	1
Milk, beverage mix					2

[1] Optional.

[2] Prune juice should not be issued to infants.

[3] 2 months supply.

II. Basic Requirements for Eligibility in This Program

A. Age group criteria for eligibility to participate
1. Infants 0 to 3 months.
2. Infants 4 to 12 months.
3. Preschool 1 to 5 years.
4. Women during and for 12 months after pregnancy.

B. Economic criteria for eligibility to participate
1. Persons on public assistance programs or eligible for same.
2. Persons in Food Stamp programs or eligible for same.
3. Persons known to Public Health Clinics and paying little or no fees.
4. Any other persons who's income falls in the following scale:

Number in family	Net income
1	1, 800
2	2, 400
3	3, 000
4	3, 600
5	4, 200
6	4, 800
7	5, 400
8	6, 000
9	6, 600
10	7, 200
11	7, 800
12	8, 400
13 plus	9, 000

For families with more than 13 members, add $600 for each additional member. (Net income is defined as gross income minus compulsory deductions, such as income tax, retirement benefits, social security, hospital and surgical insurance, and union dues.)

C. Residence requirements for eligibility to participate
1. Resident of suburban Cook County with no minimum time of residence.

HUNGER HURTS

Essays compiled by: Hunger Workshop Participants (Operation Breadbasket).

WHAT IS HUNGER?

(A Mini-Editorial by Lela Marshall
Catholic Community of Englewood Task Force)

Hunger is not necessarily an affliction experienced only by welfare recipients. Hunger is going to the store the day after paying rent or the mortgage note and buying six packages of Kool-Aid instead of a gallon of milk.

Hunger is cutting an orange in eight pieces so that it can go around. Hunger is padding a menu with rice or potatoes when hamburger gets to 69¢ a pound. Hunger is remembering when things weren't as good as they are now. Hunger really is a hurtin' thing!

WHAT IS HUNGER

(By Hazel Brooks)

Hunger is a strong desire for anything!

Hunger was once not being able to save your child or yourself from being sold at the slave auction block.

Today, her son of eighteen is drafted and his body and blood is sold to the battlefields of Viet Nam. HUNGER is to not be able to send your child to college but what hurts more, is to send one, and when he finishes he comes home a white-thinking man, who has completely lost his *black* identity.

Hunger is an ADC mother struggling to feed her children on twenty-seven cents per meal, while they are slowly starving.

Hunger is a child begging you to move out of the Robert Taylor Homes so he can have a yard of his own to play in with a little dog or a cat.

Hunger is a man who cannot get a job with the post office, as a guard or policeman, fireman, in the banks, and many factories because he has been arrested and fingerprinted when he was fifteen years old.

Hunger is an ADC mother shopping with her book of Food Stamps, not being able to buy anything that is not edible—like soap, deodorant and certain can goods while other women are spending *money*.

HUNGER

(By Theresa Fields)

H
Is for the Hardness one feels toward others because he's hungry.
U
Is for the Ugly look on thy face because of hunger.
N
Is for the Nothingness that's in thy heart because of hunger.
G
Is for the Goals we set up in order to start a hunger campaign.
E
Is for the Energy we use in participation of the hunger campaign.
R
Is for making and setting forth Rules for the hunger campaign.

Time is of the essence. We must set out to go to work on the Hunger Campaign like we have never worked before. Mainly, so that children can go to school with a full stomach, therefore, having a full mind to think and concentrate; To become the leaders of the future.

Technically speaking, it's a darn shame for the City of Chicago to be the second meanest city in hunger. The greatest shame of all is the fact that 60% of our budget goes for defense.

Hunger is illegal. . . .

WHAT IS HUNGER?

(By Elaine Hawkins)

Hunger is a disease which is commonly found among the poor. Webster's Dictionary defines *hunger* as an uncomfortable or painful feeling due to the lack of food. Well, I've got news for Webster—hunger is not only a craving for food, but for freedom, as well. It is a craving for human dignity and for justice (the most important). These are only a few, but for everybody in every way there is a sense of hunger, whether they want people to know it or not.

No matter how wealthy you are or how 'holy' you may seem to be, you are hungry either physically or mentally. But the most important thing is the hunger for food. It is a shame and a disaster. Under no circumstances should this country have anyone hungry whether they are Black or white. Hunger for food is a nasty and dirty thing! It is shameful for people who have to give grocery food stamps when there is plenty of money in this country. It is a shame for children to have to stay home because they haven't any shoes to wear, or coats to go on their backs.

To sum hunger up through my eyes, it is something immoral and inhuman.

"HUNGER" A WORD THAT SHOULD NOT BE

(By June Powe, Argo, Ill.)

RAVENOUS, FAMISHING, HUNGRY, STARVED

Hungry is a general word, expressing various degrees of eagerness or craving for food.

Famished denotes the condition of one reduced to actual suffering from want of food.

Starved denotes a condition resulting from long-continued lack or insufficiency of food and implies enfeeblement, emaciation or death.

No matter how these words are defined in a supposedly land of plenty they shouldn't even exist.

I'll probably never understand (no matter who explains it or how it is explained) how a country, this country, can pay the farmers not to farm, take the surplus and feed the people of other nations.

If there is so much surplus it should be put to use right here where it is so desperately needed.

"Money is the root of all Evil?" NO. It's POVERTY AND HUNGER—among plenty. And in these United States, if they are to remain united, these are two words, conditions, or states (call it what you will) that *must be eradicated!*

HUNGER

(By Willie L. Jacobs)

Hunger is immoral! Poor people are hungry for justice in our society. Black people are hungry for freedom in every phase of life.

Jesus said, "Feed the poor," but our country does not feed the poor nor do they give them (the poor) clothes and shoes.

Hunger is a sin before God. Our country is the most religious in the world, but it does less for its own people. This country is also the richest country.

Hunger makes people violent. Nutritious food makes a healthy nation. When people are healthy, they are happy.

America with all the resources and wealth will not feed the hungry—and this will eliminate destruction in the land!

HUNGER—AN UNNECESSARY DISGRACE

(By Janice Barnard)

Webster defines *hunger* as, 'the discomfort, pain, or weakness caused by the lack of food'.

While this clearly defines what hunger is, it does not paint a vivid picture of what physical turmoil and torment a person experiences due to the lack of food. Unless you have suffered from such yourself, you will be unable to define what hunger is really like. Like Webster, you could only quote from hearsay. However, if you have been one of those unfortunate people who have experienced hunger, either as an adult or as a child, then you would know that it is impossible to think clearly or react quickly when your stomach is in severe pain from not being fed.

Hunger poses a serious social problem not only in this country, but all over the world. However, there are people who are just as insensitive to the needs of the victims of hunger as Webster is in describing it. To try to define hunger is as fruitless as trying to define or describe love—unless you, the listener, have once experienced it, the true essence of the word will escape you.

Now, let us discuss the reasons for hunger and the ways to combat it. It is a known fact that we live in one of the richest countries in the world—a country where BILLIONS of dollars are spent annually on foreign aid—we are constantly being made aware of how generous our country is in dispersing money. But how many of us are told the ratio for people, especially Black Sisters and Brothers, who starve each day? How many of us are told the percentage of Black children who go to school each day without eating? Why are we not made aware of the extent that this Government has instructed white farmers to destroy a certain amount of food that has been produced—food that could line the stomachs and ease the pain of hunger of Black people. These facts expose the sanity of the men who have been elected to run this country.

Does it seem sane to pour billions of dollars into Space Projects just to be able to claim the distinction of being the first to reach a planet whose usefulness has not clearly been defined? It would seem much more logical to invest this money in projects to feed the poor. Which has more usefulness and potential—human beings or the Moon?

It is an established fact that a few power-mad, status-seeking, selfish opportunists run this country with the support of millions of complacent Americans who sit idly by and do and say nothing. If you are one of these people, now is the time to stand up and be heard!

If you are dissatisfied with the world situation, then start contributing to projects that will feed the poor. Who knows—you might be putting food into the stomach of a future leader!

(By Rachel Hawkins, 2124 South Drake, Chicago, Ill.)

To me, hunger is to have a family of four, and to receive only $1600 a year, which is $400 per person yearly. This is equivalent to $300—by the time one pays taxes on every little item they purchase.

Sixteen hundred dollars a year is guaranteed hunger! The people who have less than this have guaranteed starvation!

Any thinking person knows that the dollar has the purchasing power of 50¢. I feel that we can win our fight against hunger through politics. Voting the right people into key jobs will be most effective in eradicating hunger from the population.

We should have people in power politically who will do nothing but spend their time and efforts lobbying for us; *demanding* that the most money of the National Budget be spent for the elimination of all types of hunger, not just for food, but for *good housing*, and education, as well.

Instead of money appropriated for research on how to *kill people*, spend it on how to heal sick bodies and minds.

If we have *young* men and women with concern and integrity to represent us rather than the *old* people, who have become comfortable materially, and set in their way of thinking and habits—then, we will stand a good chance of winning our battle against hunger for *all mankind*.

Older people occupying political seats, have the tendency to apply yesterday's answers to today's problems.

(By Mrs. A. B. Williams, Argo, Ill.)

My understanding of hunger is a lack, a want, need or absence of something. There are many kinds of Hunger that affect us today.

Living in Suburbia, there is some Hunger for food, but not to the extent as in the Metropolitan Areas. Our town is situated in an industrial area—whereby work is available.

So I speak about Hunger, not in Education, but in the Educational System of Suburbia—Hunger in the Political area, etc.

Hunger is just being Black in Suburbia; hunger for acceptance on an equal basis in the areas of being able to use the education you receive sitting in the same classroom with your white, and even other race, counterparts. When you know how and where you stand scholastically beside them in the classroom and see them receive Scholarships and Special Awards, and you not even be considered.

Hunger is having a talent in a group—and know your qualifications by the grades you receive and yet when the leading role in operettas or plays or 'Queen' time comes you are turned off because of your color.

Hunger is being a part of a community and not be represented on any of the various Boards—to be hemmed into a certain area by invisible boundary lines we are not able to go beyond—homes being built using up all available ground—and homes being condemned and no provisions being made for the families of the displaced persons—To see the young people grow up, get married and want to remain in the community because their families and jobs are nearby, yet because of these invisible boundary lines, they have to move to other areas when there are vacant homes and apartments and land just beyond these lines.

Hunger is the same wherever you go—only the amount of the Hunger differs.

If we do Justice—Love Mercy and walk Humbly before our God—we can eliminate the hunger in all of these areas.

CEASE HUNGER

(By Mary Livingston)

My! Oh, My! The time is drawing near when there will be no need for pain, strife and HUNGER, because with the backing of Operation Breadbasket and the cooperation of all our different ethnic groups, churches, PTA's, and other organized clubs on the run to prevent hunger, it's got to *Cease*.

Keep thy peace, My Lord! My Lord! We are all 'doing our thing'. Everyone is in the swing. Let's go! Let's go! Don't be slow!

We must keep working, working, never cease until this HUNGER is cured. Just think. Don't look back—just keep looking ahead. We are going to make it. Come over here where the table is spread. The Lord is going to feed His children.

Hunger, hunger, hunger—a shameful painful feeling that should not be in this beautiful country—America the plenty!

Come one, and come all, all of God's children are going to eat! Just to look at the pitiful faces on the people of hunger and then after they have eaten, look at them again.

Oh! My Lord! What a difference! What feeling of content and happiness—a way that we want to see everyone.

Down with hunger! It must go! Let's all keep on the road of fighting hunger. Hold thy peace—hunger will cease. keep the faith with your pace.

WHAT HUNGER MEANS TO ME

(By Peggy Smith Martin)

WANT OF FOOD, DISCOMFORT, PAIN, NEED

Hunger is when there are approximately 35 million poor people in a land of plenty. People so poor that they cannot buy meat—who have to buy dog food for their tables, and eat like dogs.

Hunger is a lack of education and educational opportunities.

Hunger is when the head of a household deserts his family because he can no longer afford the necessities for survival. Necessities like food, and shelter, and clothing.

Hunger is when a mother has to accept aid to dependent children that is so out of proportion with the cost of living that she cannot possibly stretch the money from one month to the other.

Hunger is when mothers who need work and want to work do not have a "child day care center" easily accessible to them.

Hunger is when manual labor has been replaced by automation.

Hunger is when many of us are still working below the meager national minimum wage scales.

Hunger is when we have no decent open occupancy laws and have to reside in roach and rat infested slums.

Hunger is when black people contract buyers of real estate are losing their homes as a result of shyster and racketeer real estate dealers.

Hunger is when black people are victimized by the deficiency judgment and shyster process servers. There are hundreds and hundreds of black people who have been sued and never received notice of suit until the courts grabs their wages or their homes.

Hunger is when we are in need of 100 per cent improvement in our mental institutions, and the need for medical institutions to treat and care for narcotics victims.

Hunger is when we cannot get proper medical and dental care because of a lack of money.

Hunger is when we have to drink dirty water and breathe polluted air.

Hunger is when we are short-weighted at the scales for high-priced and rotten meats and inferior goods sold to us through many stores.

Hunger is when farmers are paid not to farm while thousands of our poor people starve to death.

Hunger is when we reside in a state like Illinois (the 3rd richest in this country) that gives better care to horses and dogs and cats and parrots than it allots for our poor people.

Hunger is a national disaster that must be eliminated.

Hunger is destitution and humiliation and frustration—that cannot be cured by food stamps—but can be completely eliminated with a guaranteed annual income of at least $5,000.00 or more for a family of four.

(By Edythe Dozier)

In trying to think of something to write about HUNGER—the thought has occurred to me that there is more than one kind of hunger—There is the actual physical hunger that gnaws at your innards due to deprivation of food, and there is another type of hunger that is caused by the deprivation of hope. Hope that your children will do better than you—but yet with the sure knowledge that faces millions of Black mothers who know that their children will never improve their lots in life because of the "system"; economic, social, educational—that has been perpetrated to 'keep them in their place.'

Some of us are becoming aware of this type of hunger—and many are becoming impatient with the unwillingness of the "haves" to let just a few of the goodies trickle down to us "have nots" (by goodies, I mean—adequate housing, decent food, self respect, etc.)

The hungriest of us all, however, are those of us who are hungry—but don't know it. Those of us who get just enough of the crumbs to keep starvation from setting in—but who are afraid to ask for a fair-sized piece of the cake. These are the folk who are afraid to rock the boat in any way, least they cease to get even the crumbs.

These, in my opinion, are the people who suffer from the true hunger. Most of them are so brain-washed that they do not suspect that they are malnourished. Some of them suspect that there is something wrong, but are too threatened to even superficially probe beneath the surface of their psyche.

I think the saddest thing we face today are Black men who tell you about how they "made it" through hard work, large doses of self respect, and "clean godly living." When actually any Black man who has "made it" can say of his less fortunate brother "There but for the grace of God go I."

As Rev. Barrow said last week—one disabling illness can put any one of us on the relief rolls.

I am saddened by the smug complacency of the so-called Black middle class. I am saddened when Blacks come out of the colleges—some unknown shade of gray; never to be Black again unless it is to their advantage. I am saddened when I hear Black folk say that the assassination of Fred Hampton and his fellow brother is not their problem. I am saddened when I hear fellow Blacks say 'I've got mine, now you get yours.' I'm saddened by some of our own elected politicians who remain so deeply insensitive to their own. And I am most of all saddened by the fact that our Mayor (a very smart man) can count on the fact that Blacks will vote as one Bloc and year after year re-elect these same politicians.

I became active here and hope to become more so—as I see Breadbasket as means by which Blacks can act as a solid block to counteract the many kinds of hunger from which they suffer.

[From Chicago today, Sept. 24, 1969]

A Reporter Sounds Off—500,000 Hungry—So We Buy Roads

(By Pat Dalton)

Reporters usually are restricted to passing along the facts without comment. Here, our reporters are invited to express gripes and opinions freely, whether or not they're the same as the editor's. Pat Dalton is a Chicago today assignment reporter.

Perhaps those of us now living on this earth are too stupid, but maybe future people will see the irony of our increasing the amount of money spent for roads in Illinois while more than 500,000 human beings don't have enough to eat.

Hopefully, people in generations to come will be intelligent enough to laugh at us when they see in the history books that our annual state budget now allots more than one billion dollars for roads and only about $500,000 for people with chronic hunger pains. If you've missed even one meal, you know what they feel like.

I don't mean to dismiss the importance of roads. We need them for the transport of food, for one thing. No doubt we should keep in good repair the ones we have. But is this the time to widen roads and build new ones?

Perhaps people living in East St. Louis, one of the worst poverty pockets in the nation, will be able to see the new highway scheduled to be built near there, and I'm sure it will make their mouths water.

Raising the tax from 6 to 7½ cents a gallon and upping auto license fees to $18 and $30—with 35 horsepower the dividing line—is expected to bring an extra 117 million dollars a year into the state treasury. This will be added to the present 1.2 billion dollars set aside in the budget for roads and highways.

On top of that, and in addition to the one billion dollars already spent on roads biennially, the state of Illinois plans to float a bond issue for another 2 billion dollars for roads over a 30-year period. The interest on this will be more than the principal, perhaps 2.5 billion dollars.

Sure, a state needs roads. Do we need them that badly?

No one so far has proposed a bond issue to help the 521,349 people in the state who are on welfare and have less than 40 cents each to spend for food a day.

About half of these 521,349 people are children. Medical authorities say that children under 5 years of age who do not have adequate diets will have irreparable brain damage.

I would like to point out, tho, that it is the damaged roads that we are repairing.

So there is a good chance that these children some day will be on welfare.

But there will be good roads.

And for the most part, it will be the middle class that will be paying thru taxes for both the welfare and the roads.

[From the Chicago Sun-Times, Dec. 4, 1969]

ERADICATE HUNGER!

The highly touted White House Conference on Nutrition deserved a more satisfying first course than the pablum served up by President Nixon.

His keynote address was hardly more than an endorsement of his own proposed legislation and was, all in all, an inadequate response to the anti-hunger militancy of the majority of conference participants.

If the President had nothing better to say than what he said, he should have sat aside and listened.

Had he done so, he might have detected the widespread desire among the 2,500 participants to hear a firm pledge of action now.

Instead, Mr. Nixon took the politically cautious route of asking again for support of his poverty-oriented legislative proposals.

These measures would insure a $1,600 assistance level for a family of four, would liberalize the food stamp program a bit and would set up a commission on population growth. But the $1,600 assistance level isn't going to erase poverty and it isn't going to become law without a fight. The food stamp program doesn't go nearly far enough—a much better one has been passed by the Senate—and the commission proposal is strictly a long-term thing.

However, even if the President by some political wizardry were to bring all three programs to fruition tomorrow, the $5 billion he proposes to spend per year would be only a starting sum.

Sen. George S. McGovern (D-S.D.), who heads the Senate select committee on hunger, notes that the assistance program alone could cost $4 billion annually. The remaining $1 billion is considered by most nutrition experts to be woefully inadequate for a real war on American hunger.

There are some facts which hamstring the President, of course. The Vietnam war costs about $3 billion a month and is contributing to inflation and subsequent belt-tightening at home. Still, as the President himself said, "there is a moral imperative" to end malnutrition—and a moral imperative doesn't become less moral and imperative because of a budget pinch.

The White House conference can overcome its faltering start. The President promised to review conference recommendations with great care, and he should be taken at his word. The participants know the faults of the anti-hunger programs. They should spell them out, as shocking as they are, and spell out, too, firm, workable, corrective measures.

Contrary to Mr. Nixon's assertion, it is not the conference itself that marks a triumph of the American system. It will be what the conference does that marks triumph or failure.

[From the Chicago Sun-Times, Dec. 6, 1969]

IT'S THE MOLLOY—HUNGER HEARD LOUD AND CLEAR, ON LOCAL SHOW

(By Paul Molloy)

The disgrace that so many Americans should go to bed—and to school—on empty stomachs was dramatized in heart-rending fashion on Ch. 11 Thursday night.

It came during a loud, bitter confrontation between the Chicago ghetto's poor and the affluent facade of Chicago in an hourlong special entitled "Who's Hungry in Chicago?"

It followed "Hunger: A National Disgrace," a 90-minute report on the close of the White House Conference on Food, Nutrition and Health which the National Educational Television network carried live from Washington. The Chicago town-meeting format was so intense that Ch. 11 management let it run almost 15 minutes beyond its alloted hour. A filmed version will be sent next week to White House Conference officials.

'Will somebody tell me where it is?'

The Chicago forum was attended by about 300 persons, most of them Negroes on welfare, who voiced protests, some of them tearful, against the handling of the hunger situation in this area. Their anger—and sometimes disgust—was not only against the lack of food, but the lack of sufficient money for clothes, shoes, utilities and transportation. Said one Negro grandmother, in tears: "I've been looking and looking for Operation Breadbasket. I can't find it. Will somebody tell me where it is?"

Another Negro woman, with a catch in her throat, exclaimed: "I came here tonight because I'm hungry. I haven't eaten today."

There was criticism against the food stamps program and against merchants who raised their prices the moment the program went into effect, against alleged bureaucracy in the ADC project and against claimed "rough treatment" of welfare recipients by welfare workers.

Sometimes the comments were allowed to turn into defiant speeches that ran too long, and there was much repetition. But it was stirring evidence of what television can do to stir the conscience.

My review is brief: I didn't sleep well Thursday night.

[From the Chicago Sun-Times, Dec. 6, 1969]

HUNGER TALKS PRODUCE MOSTLY ANGER

WASHINGTON.—It was a bit of a novelty to see such a large gathering in Washington to talk about something other than the Vietnam war.

Still, the White House Conference on Food, Nutrition and Health was not one to gladden the heart of President Nixon, its sponsor. Arguing under a banner saying, "Hunger—a National Disgrace," the participants in the audience could find little to say for the administration's handling of the problem of feeding the hungry in the world's richest nation.

Fannie Lou Hamer, identifying herself as a constituent of Sen. James O. Eastland (D-Miss.), who received $265,000 in farm subsidies, said she thought the time for talking was long gone. "I am not coming back to another conference on hunger—something has got to be done," she said.

Another black woman, from South Carolina, said: "We are tired of this sort of thing."

The anger in the audience was matched on the platform. Jesse Jackson, the young director of the Southern Christian Leadership Conference food program, said that food commodity and food stamp programs "subsidized starvation among the poor." He questioned one of Mr. Nixon's favorite programs, the Apollo space effort, asking why "we spent $54 billion to send two men to the moon and to get two boxes of moon rocks."

The tone of the meeting was set by the showing of a color film about a Navajo child who died of malnutrition. Her mother said some of the food commodities on which the family subsisted were "rotten."

An Agriculture Department representative said the products brought under the food commodity program are good, but that the delivery system is poor. Dr. Jean Mayer, the President's nutrition expert and the embattled host of the conference, said the problem was threefold—food, services and education.

Sen. George McGovern (D-S.D.), whose food stamp program has passed the Senate but is bottled up in the House Agriculture Committee, said the real problem is a lack of commitment on the part of the administration. He said it applauded his bill's Senate passage but has been lobbying ever since in the House to cut the appropriation in half.

It seems that some way of filling poor children's empty stomachs will have to be found other than giving their parents money under the administration's family allowance plan. Rep. Robert Price (R-Tex.) told the conference he thought the program had no chance of passage for several years. No one at the meeting seemed to disagree.

[From the Chicago Sun-Times, Dec. 29, 1969]

'AIRLINE' LUNCHES FOR HUNGRY KIDS

The school food lunch programs for needy children started out as a by-product of surplus food stocks accumulated by the government to shore up farmers' prices. It finally is evolving into what it deserves to be: a means of feeding children whether or not surplus foods are available.

The Nixon administration intends to provide airline-style prepackaged hot meals for children in schools where there are no facilities to prepare meals. They'll be purchased from private suppliers, if necessary. Dr. Jean Mayer, the President's nutrition expert, says 6,600,000 children will benefit as compared to 3,400,000 now being served. The cost will go from $105,000,000 to $350,000,000, an increase of $245,000,000.

It's too bad the new concept cannot be put into effect immediately. The timetable calls for the new-style lunches to be made available next Thanksgiving. That's a long time for hungry children to wait. But the processes of government grind slowly and the additional $245,000,000 must be found.

How much is $245,000,000? It is only enough to finance the Vietnam war for four days even at the reduced cost of $23.5 billion the Nixon administration is forecasting for the next year.

Feeding needy children is only one of the many blessing that this country should begin to enjoy in greater abundance when and if it can disentangle itself from the Vietnam war.

[From the Chicago Sun-Times, Dec. 30, 1969]

DALEY ASKS ACTION TO BANISH HUNGER

(By Harry Golden Jr.)

Mayor Daley called on the Chicago Committee on Urban Opportunity Monday to establish a permanent program to eliminate hunger.

"This should be our No. 1 concern for 1970," Daley told the CCUO at its annual meeting in City Hall.

"We are trying to address you to the challenge of outlining the steps we will take to eliminate hunger, collectively and individually," Daley said.

The first requirement of the program, he said, will be identification of the hungry.

"I am positive there's no reason why anyone should be hungry in Chicago if we get his name and address," the mayor said. "In this day and age it is a disgrace to all of us to have a hungry person in the city."

Daley indicated that the project—to be developed under Mrs. Murrell Syler, CCUO executive—would involve negotiations with several agencies of the federal government and the Cook County Department of Public Welfare.

Clair M. Roddewig, vice chairman of the 51-member committee headed by the mayor, said: "It is the unanimous view that we can find sufficient funds (in the CCUO budget) to provide for the staff to co-ordinate the project."

Daley last spring ordered Chicago's anti-poverty centers to write food orders for and give medical help to the hungry.

The food orders were honored by groceries which were paid from the mayor's contingency funds.

The emergency efforts were undertaken after a series of articles in The Sun-Times documented the plight of the hungry in the Chicago area.

Before the mayor assigned CCUO to the new project, he heard spokesmen of several agencies complain that the emergency machinery failed to work in several instances.

In other matters Monday, CCUO announced new projects to help Boy Scouts, students, veterans and new businessmen.

CCUO's $50,000,000-a-year effort will include a $40,000,000 project to boost Boy Scouting.

The funds will provide cost of memberships and materials for some 13,000 youngsters.

Mrs. Syler said scouting could provide "a constructive alternative to destructive gang activities."

A $23,000 project will seek out for encouragement and tutoring some 200 youths of average academic standing "who have demonstrated little interest in continuing their education," Mrs. Syler said.

The 1970 budget provides $135,000 for special counseling on "jobs, schooling, marital situation and community" for some 8,000 veterans returning from Vietnam.

A free school of business management will be offered two hours a night, four times weekly.

Some 1,200 are expected to get training in classes that will be conducted at Illinois Institute of Technology, 33d and Dearborn; Cortez Peters Business College, 110 E. 79th; Marion Business College, 128 S. Paulina, and Newberry Community Center, 1073 W. Maxwell.

[From the Chicago Daily Defender, Jan. 5, 1970]

INSENSITIVE TO HUNGER

Nutritional experts have reached the unhappy conclusion that Americans are nutritional illiterates" who have become morally insensitized to the problem of feeding hungry people, both at home and abroad. The panel discussion was held at the Boston Sheraton Hotel as part of the meeting of the Association for the Advancement of Science. The panelists expressed pessimism concerning pledges from the Nixon Administration to end hunger in America.

"We get flip statements out of Washington on how well people are fed," said one panelist. "What should we believe?" Dr. Margaret Mead, the distinguished anthropologist, declared, "When an American spends two hours to make himself a synthetic meal, he becomes morally crippled to deal with the problems of food and hunger.

Such insensitivity to hunger, she said, is rooted in the notion that hunger cannot be alleviated everywhere at once in the world. For hundreds of thousands of years, she said, food has been so scarce that man has built up certain protective devices to shield himself from viewing the miseries of the starving. He simply did not look.

But since World War II, Dr. Mead said, the means have become available to do away with hunger and malnutrition. The American people, however, still shade their eyes with the hand of "protective callousness," she declared. This, she said, is for the first time a truly immoral situation.

Robert Choate of the National Institute of Public Affairs agreed with Dr. Mead that Americans have a new and urgent "moral imorative to care for our hungry."

One sign for optimism is that in the last three months there has been a great change of attitude in Washington. Whether the promises live up to the rhetoric only the next six months will tell.

[From the Chicago Sun-Times, Jan. 10, 1970]

U.S. Tries Food Plan Here for Needy Mothers, Infants

(By Linda Rockey)

A pilot supplemental food program for needy mothers and infants will begin Feb. 2 on Chicago's South Side, the U.S. Department of Agriculture announced Friday.

Under the plan, the first in the nation, pregnant women and mothers of infants under the age of one will receive certificates good for fresh milk, baby formula and instant baby cereal at local food and drug stores.

The recipients, estimated at 3,000 to 5,000, will come from the communities served by the Kenwood and Midway district offices of the Cook County Department of Public Aid. These areas were selected because of their high infant morbidity and mortality, maternal deaths and poor economic conditions, according to the announcement.

Mothers and infants participating in the food-stamp program, those on public assistance and those referred by local health agencies are automatically eligible for the program. A mother or a pregnant woman will receive a monthly supply of $5 worth of certificates to buy milk for herself until her child is a year old. She also can get $10 worth of certificates monthly to buy formula, milk or cereal for her baby from birth to age 1.

Agriculture Sec. Clifford M. Hardin, who announced the program in Washington, praised the efforts of several state and local groups for their co-operation in making the program possible. They include the Illinois governor's office and the city Department of Human Resources which began looking into a supplemental food program following a Sun-Times series last spring on hunger in Chicago.

The pilot plan is a simplified version of a program operated since Thanksgiving in the suburbs by the Cook County Office of Economic Opportunity. Under this plan, mothers and children up to age 6 receive monthly food packages of about 15 nutritious items.

The city rejected this plan, operating in 120 other communities, because of its cost and logistical problems. The Department of Agriculture delivers the food free to its destination, but the local government must handle storage and distribution. Food for the suburban program is delivered to a warehouse at 1819 W. Pershing and taken by truck to participating suburbs, which include Maywood, Chicago Heights, Argo, Rolling Meadows, and Evanston. OEO expects to reach 14,000 persons under this plan.

[From the Chicago Daily Defender, Jan. 10, 1970]

'To Feed the Hungry' Featured On WTTW

"To Feed The Hungry," an hour-long documentary on the lives of the 340,000 Cook County residents who are fighting a daily battle with starvation, will be televised every night on WTTW/channel 11 during the week of Jan. 12-16. The first telecast will be at 7 p.m. Monday to be followed by an 8 p.m. screening on Tuesday, January 13; 9 p.m. on Wednesday, January 14; 8 p.m. Thursday, January 15; and 9:30 p.m. Friday the 16th. The Monday and Friday telecasts will be followed immediately by a re-run of channel 11's "Town Meeting: Who's Hungry in Chicago?" program, which was telecast live early in December, receiving wide acclaim from critics and viewers.

"To Feed The Hungry" examines Mayor Daley's claim that "there is no need for anyone being hungry in Chicago." The cameras visit homes of families living in Uptown and south and west side ghettos, where the poor pay an average of $28 a week for rat-infested apartments and public aid families exist on 26c per meal per person. The Mayor's emergency food program, which lasted 36 days for a total cost of $132,000 out of an allotted $325,000 from the Office of Economic Opportunity, is commented upon by a professional social worker, an Uptown minister, a recipient of the emergency relief measure, and Deton J. Brooks, Jr., city Commissioner of Human Resources and the man charged with leading the city's anti-hunger effort. Linda Rockey, Chicago Sun-Times reporter, who wrote an extensive series on the problem of hunger in Chicago, tells the results of her research and interviews Brooks.

The few private groups who are trying to meet the need for feeding the poor are shown. A member of the Black Panther Party talks about their project of supplying breakfast to a thousand poor children a week and shows how the plan is operated in a Westside church. The receipt of monthly food packages from the Little Brothers of the Poor is lauded by two elderly men who could not survive without his help.

At the close, various solutions are offered by Jesse Jackson, Senator Charles Percy and Senator George McGovern.

"To Feed The Hungry" was produced in cooperation with Harris Communications Inc. It was produced, directed and narrated by John Sommers. Associate Producer was William Harris; cinematographer, Carl Lanbenberg; film editor, Richard Sato; assistant film editor, Carol Levin; assistant cameramen, Donald Cody and Sean Moynihan; and production assistant, David Ure.

[From the Chicago Sun-Times, Jan. 12, 1970]

To Feed The Hungry

Hunger exists in Chicago. It is real. The pressure of this terrible reality is felt by white and black, young and old. And yet there are those among the well-fed who still do not comprehend the depth of this shame of hunger.

In order that these persons might at last see hunger in all its raw misery, Channel 11 this week is broadcasting To Feed The Hungry, a film taken in the desperate corners of Chicago where the poor live.

Reporter Linda Rockey, whose Sun-Times series on hunger shocked the city, is among those appearing on the film, which will be broadcast today at 7 p.m., Tuesday and Wednesday at 9 p.m., Thursday at 8 p.m. and Friday at 9:30 p.m.

Those who care whether the poor eat enough—and those who insist on discounting the problem of hunger—owe it to themselves to see "To Feed The Hungry."

[From the Chicago Sun-Times, Jan. 12, 1970]

It's the Molloy—Dinner for 26 Cents and Other Horrors

(By Paul Molloy)

The program's opening scene shows a good-income Evanston family enjoying a hearty, good-income meal. Soon it segues from the meat, vegetables and milk to a meal in the South Side ghetto where there are no vegetables nor milk. This meal is not enjoyed. It is merely eaten—for immediate survival—and then washed down with water as the cockroaches wait on the floor. After that, it's all uphill.

Uphill for the viewer, that is, because it isn't pleasant for the well-fed to watch the Chicago-area poor make do with a dinner that must not cost them more than 26 cents. And if, in any given month, they must pay more than usual for heat and hot water and the children's shoes and transportation to the doctor and so on—well, they might have to go to bed on a 10-cent meal.

This is the main thrust of "To Feed the Hungry," a locally produced, hour-long documentary which will be shown on Ch. 11 in prime evening time on five occasions this week.

'A FEW HOURS'

The program, which wryly examines Mayor Daley's claim that "there is no need for anyone being hungry in Chicago—we'll have food for them in a matter of a few hours," will beam on the public television station at 7 p.m. Monday, 8 p.m. Tuesday, 9 p.m. Wednesday, 8 p.m. Thursday and 9:30 p.m. Friday. The Monday and Friday telecasts will be immediately followed by reruns of the same station's "Who's Hungry in Chicago?", another heart-wrencher that was originally shown last month.

"To Feed the Hungry" was inspired by a series of articles on the problem published in The Sun-Times last April. It was written by reporter Linda Rockey and is described in the Ch. 11 study as "the first public inquiry into the problem (which) has become one of the important documents on the crisis of hunger in a metropolitan area." Mrs. Rockey's reports helped passage of a state-financed lunch program for needy children.

I recently saw a preview of "To Feed The Hungry," and at the fadeout I was asking myself if this were really 1970.

The program gives ear to the hunger-pang complaints of on-welfare Negroes, white low-pay families from the South, the elderly (for some of whom the need for medicine is as urgent as that for food) and the migrant workers from Mexico, Puerto Rico and the Indian reservations.

Says one mother (four of whose six children need constant medical care): "The only hope I see is betterment for my children. I strongly feel that hope is gone for people that are my age already, and I'm still a young woman."

Says another: "It's going to be hard to find a place that will accept you with seven children. They'd rather have dogs and cats than little kids."

And still another, referring to welfare workers examining her refrigerator to see if there was really a need for food: "They might as well have been taking an X-ray of my stomach."

The program shows Dr. Robert Mendelsohn, director of community pediatrics at the University of Illinois Medical Center, discussing mothers' malnutrition: "The child may be born with a small head, and there's some suggestion that this small head represents a dimunition of the total number of brain cells . . . and so we not only end up killing more children, if you will, but we end up seriously damaging the ones who survive maternal malnutrition."

HUNGER AND MENTAL ILLNESS

Even more important than the effects on physical growth, the doctor goes on, are the effects on intellectual growth: "It may well be that hunger and starvation are one of the chief causes of mental illness and a large part of the learning disorders and a large part of the school problems that occur in all parts of the country."

Toward the end of the program, Mrs. Rockey asks: "How much longer can Chicago wait? (The hungry are becoming more angry and articulate. They are beginning to demand that a decent life in America is a right, not a privilege. How much longer will it be before they decide that if they don't have an equal piece of pie, we won't either?"

A ready-made fruit pie, by the way, costs about a dollar. That's some distance from 26 cents for a "total" meal.

[From the The Boston Globe, Jan. 27, 1970]

Mayor Daley Bows to Blacks

(By Dexter D. Eure)

CHICAGO.—At long last, a very large chink is becoming visible in the armor of Richard Daley's once all-powerful political machine.

That chink has developed through the force of one million black people, who comprise more than one-fourth of this city's voting population, and close to half of its school-age population.

In recent weeks, it has been interesting to watch Mayor Daley extend himself to keep this immense segment of his constituency pacified, if not exactly happy.

First, there was the elaborate attempt to construct a "legal" justification for the police killings of the two Black Panther leaders, Fred Hampton and Mark Clark, last November.

It was hardly the first time that young black militants have been gunned down in Chicago under suspicious circumstances, but the response by the powers that be was certainly new.

Second, there was the recent agreement between the construction unions, contractors, the city, and the black community for 1000 jobs for blacks immediately, plus another 3000 as soon as possible. In this case it is worth noting that the mayor was willing to deal directly with black leaders, who are anything but friendly to him and his machine.

For a change, the "black hacks" who have sold out to Daley for a soft job and a little "outside" income were missing. The reason is clear. The issue involved was explosive, and the mayor had to be in contact with blacks who could speak for the ghetto.

As a result, blacks like Cong. William Dawson, the aging legislator who is finally retiring in favor of another Daley man, Ralph Metcalf, the old Olympic track star, have started falling from grace.

We are seeing and hearing a great deal more of a young minister named Jesse H. Jackson, head of "Operation Breadbasket," the economic arm of the Southern Christian Leadership Conference, Martin Luther King's old organization.

He is after jobs for blacks, markets for black businesses, and protection of black consumers from fraudulent practices by white retailers.

His technique is not to ask politely. Instead, he takes his troops into the streets and organizes boycotts. In the last few years he has taken on everything from A&P to a small white-owned meat market that didn't clean its freezer properly.

If Mr. Jackson should ever choose to play a national role, he could step immediately into a gaping void that has existed ever since that painful evening in Memphis in 1968.

Every Saturday morning, he holds forth before a huge audience in an old theater on the city's South Side. The place is jammed before the clock even strikes 8.

Women love him, be they black or white, rich or poor. Suburban ladies have chartered buses at 5 in the morning to go down and hear him.

Not surprisingly, he is now referred to simply as Chicago's No. 2 man, and nobody knows this better here than Richard Daley.

There are those who say that if Daley doesn't pay even closer attention to this young minister, the No. 2 man may someday become No. 1.

[From the Chicago Daily Defender, Jan. 28, 1970]

CONFETTI

(By Doris E. Saunders)

McGovern Plan for Poverty . . . Senator George McGovern who is scheduled to be at Operation Breadbasket Saturday morning (and he is not campaigning this time), has revealed his four pronged plan for the elimination of poverty in the United States.

His plan would replace the income tax exemption for each child, which is currently a part of the law, with a subsidy for every child in the country of from $50.00 to $65.00 per child.

A guaranteed job for every able-bodied working age citizen on public service projects if no private employment was available. (Remember the good things that came out of the WPA, NYA, CCC and PWA?)

An improved social security setup including the recently dropped $100.00 a month minimum payment for an individual.

A small additional public assistance plan which would provide income for those who cannot work and who are not covered by other forms of aid.

As McGovern said, addressing the Citizen's Committee for Children of New York, the major unfinished business of America is "the elimination of poverty and racism from the lives of her children."

[From the Chicago Sun-Times, Jan. 30, 1970]

$3 MILLION OKD TO HELP SCHOOLS

(By Harry Golden Jr.)

Mayor Daley Thursday announced $3,000,000 in new Model Cities projects to intensify teacher training, upgrade reading and feed pupils in the inner city.

The mayor said Chicago schoolchildren's below-average scores in national testing show the need for far greater spending in disadvantaged neighborhoods.

Asked at a press conference about the test results, disclosed Wednesday, the mayor said he doubts Chicago would rank low in a comparison of scores in big cities alone.

With small towns and suburbs excluded, he indicated, Chicago pupils would fare much better.

"What about the inner city in New York, Los Angeles, St. Louis?" he asked.

"Children who need the most have the least. The inner city should be spending the most per pupil in the Chicago area, but it is just the reverse," he said.

40,000 CHILDREN TO BE AIDED

The three new projects, affecting 40,000 children, bring to a level of $11,000,000 a year the spending on education from Chicago's federally financed Model Cities program.

The program is designed to concentrate physical and social services in Woodlawn, Lawndale, Grand Boulevard and Uptown.

A total of $1,172,881 has been designated for in-service training of teachers.

About 2,800 teachers and 450 other school personnel at 31 schools in the four areas will get 50 minutes of special training per school day.

Many teachers who now get two hours of training a month will get either 6 or 20 hours.

Erwin France, Model Cities director, said the project "aims at developing school staff awareness and insight into the problems unique to children living in the project areas."

BREAKFAST PLAN FOR 28,000

A daily breakfast project, costing an annual $1,020,000 will start in 34 elementary schools in the Grand Boulevard and Lawndale areas.

That phase of the project will cover 28,000 children.

In another seven selected schools, $505,861 is budgeted to give 10,000 children both breakfast and lunch.

France, at the mayor's side, said research proves a connection between poor school achievement and improper nutrition.

[From the Chicago Sun-Times, Feb. 1, 1970]

WARN SCHOOL LUNCH BUDGET IS ALMOST DEVOURED

(By Linda Rockey)

The free lunch program for needy Chicago public school children is nearly broke and may be curtailed by March 1.

That, from the director of the Board of Education's bureau of lunchroom services, casts a gloomy shadow over the news that 106,089 free lunches are served daily, a tenfold increase over last year.

FEDERAL FINANCING

"Our financial situation is terrible. If Congress doesn't make an additional appropriation, we may have to discontinue free lunches by the end of the month," said Edward Gaidzek, director of lunchroom services.

Free lunches in Chicago are financed with 24 cents per meal from the federal government and 15 cents from the state. The federal allocation for Chicago has almost run out, according to Gaidzek, because it did not anticipate the rapid rise in the total number of free lunches.

The increase resulted from the 1969 Legislature's passage of the state's first free-lunch act and from a statewide effort by school officials to ensure that every needy child received a lunch.

Gaidzek anticipates that state money will run out before the end of the school year, but his major concern is the current lack of federal funds.

"We need at least $2,500,000 to carry the program through June," he said. "We have sent telegrams to the President and Congress urging them to pass the Perkins bill."

H.B. 11651, sponsored by Rep. Carl D. Perkins (D-Ky.) would authorize $100,000,000 in additional money for free school lunches. It passed the House last year and is now in the Senate Agriculture Committee.

RANKLES LEGISLATOR

Word that the free-lunch program might be curtailed rankled Rep. Robert E. Mann (D-Chicago), sponsor of the state's free-lunch act.

"That's when I go out on the picket line," he said. "If the Board of Education doesn't have enough money, they should take it from something else. It's a matter of priorities."

Gaidzek said the only source of local money would be the school board's general fund, which is already allocated to other expenses.

Lawrence McBride, principal of the John Fiske Elementary School, 6145 S. Ingleside, said, "I'd hate to think what would happen if we lost the program. The streets of Woodlawn would be filled with people."

Fiske, with an enrollment of 1,100, serves 900 free lunches daily. No lunches were served in the school until last fall when a convenience kitchen was installed following protests by parents.

[From the Chicago Sun-Times, Feb. 1, 1970]

TWO SEEKING TO FORM UNION OF DAY LABORERS IN UPTOWN

(By Fred Frailey)

Just before Christmas, the wife of a Spanish-speaking day laborer wrote to the S. A. Hirsh Manufacturing Co., in Skokie, asking for a full-time job for her husband.

The man, who did not speak English, had worked for Hirsh frequently as an employe of Ready-Men Inc., a day-labor agency in Uptown, and according to his wife, had performed satisfactorily.

Willard Helgoe, Hirsh's personnel manager, turned down the request. "We have a contract agreement with the Ready-Men organization by which we are not allowed to hire men away from their company," Helgoe replied in a letter shown to The Sun-Times.

Helgoe had sent the reply in care of Ready-Men, which opened the letter before it was delivered to the family. Helgoe said he did this because the return address was inaccurate. The man thereafter found it hard to get job assignments from the agency.

A campaign to organize day laborers into a union is being conducted in Uptown. Contracts that prohibit a businessman from hiring a competent man to a full-time job out of the day labor ranks are one of the practices that the organizers, a Roman Catholic priest and a former journalist, want to end.

After months of research into conditions of the day-labor business in Uptown, they are convinced that organizing is the best answer to the problems confronted by the 7,000 Uptown men who hire out by the day.

But they are under no illusions. The organizers—the Rev. Thomas Millea and William Dendy, a free-lance writer—recognize that organizing the day-labor market will be a herculean, perhaps impossible, task.

"To get a significant number of day laborers to join us, we need professional union organizers," Father Millea said one morning last week in the rectory of St. Mary of the Lake Church, at 4200 N. Sheridan. "We think we can get a union interested. If not, we feel we must go it alone and form our own union."

Already, the men have attracted some 40 day laborers to meetings on Saturday mornings in the church to discuss the project and have support from several politicians and community groups. Father Millea and Dendy call their undertaking Project Amos, after the Biblical figure who was a day laborer. The priest added that the name also lends dignity to the day laborer, usually thought of as a homeless derelict.

"In Uptown," Father Millea said, "the day laborer is usually from a rural area in Tennessee or Arkansas or Kentucky with maybe a low intelligence or a nominal education. He's desperately trying to keep his family together. He's got all the old qualities we used to swear by—dignity, honesty, hard work, head of a family—but it's hard to succeed in a big city with these qualifications alone. And the men dislike welfare because it connotes failure."

For four months, these two men, aided by several dozen college students, studied the day-labor business, the men who operate the agencies and the men they employ. The students, operating out of an apartment on N. Broadway, hired out day after day and reported the treatment they received, the practices of the agencies, and the attitudes they encountered. Through this research and the attitudes they encountered. Through this research, they pinpointed what they regard as four major abuses of day laborers:

(1) Agencies require businesses, under threat of a penalty fee, not to hire day laborers as permanent employes for at least 90 days after they last work on a day basis at that business. Some agencies contend they have ended this practice.

(2) Wages are low, usually $1.60 to $1.70 an hour. A business might pay a day labor agency $2.50 an hour for workmen, about 40 per cent of which the agency keeps.

(3) Although the agencies consider themselves employers and not employment agencies—employment agencies are subject to state regulation—laborers are not paid for the time they wait for assignments. "If they are employers," Father Millea said, "They should pay them for the time they spend waiting for work. If they are employment agencies, they should be regulated."

(4) Medical care for injury on the job is spotty, "depending on the human concern of the individual operator," Dendy said. "In most cases, agencies do the least they can get by with for an injured worker."

The 90-day restriction rankles the organizers the most. They claim it blocks men from breaking out of day labor and finding permanent jobs when they feel prepared.

About the time the Hirsh Co. told the Uptown woman of the contractural bar to hiring her husband, an official of Ready-Men, was telling a Catholic newspaper in Chicago that the practice had been abandoned long ago.

Father Millea showed a reporter a work order that Ready-Men gives to day laborers. A representative of the business must sign it before the agency will pay the worker at the end of a day. At the bottom of the work order is this statement:

"In consideration of the furnishing of temporary help by Ready-Men, it is agreed that the signed will not employ any person named herein for a period of 90 days."

Asked about the seeming contradiction, gdward Cervony, the secretary-treasurer of Ready-Men replied:

"A 90-day contract is not in effect as far as we're concerned. It would be impossible for the good Father Millea to find one situation where we interfered with a person getting regular employment. It would be stupid for us to make a customer mad by standing in his way.

"When we came into this business in 1955 and had these tickets printed up, we merely employed the terminology used by other agencies already in existence. But this statement, I believe, carries no legal weight and in any case will be omitted from future printings. We cannot enforce these and don't intend to."

Helgoe, the personnel manager, however, told a reporter he was confused about the issue, and Paul Leopold, the assistant to the president of the Hirsh Co., said his company at least believed a 90-day contract restricted them even if it actually didn't.

Asked about other goals of Project Amos, Cervony said day laborers might be entitled to compensation for waiting and said he "might be receptive" to a union if it was run honestly.

[From the Chicago Daily Defender, Feb. 2, 1970]

(By Doris E. Saunders)

Hats Off to Judge Fitzgerald . . . Sometimes it takes more courage for a white man to stand up and be counted than a black. The white man doesn't have to. Black men have no real alternatives. Judge Richard J. Fitzgerald stood very tall when he ruled on the petition to release Leonard Sengali on bond. All the stops had been pulled out to make him rule, otherwise, and the pressure must have been terrific. But he didn't flinch! Bravo! R. Eugene Pincham, Sengali's beautiful black attorney SHO WAS BOSS!

Brownie Points for McGovern: . . . Senator George McGovern really came on strong in his Operation Breadbasket appearance Saturday morning . . . and he said all of the right things. He has not only proposed a workable plan of relief out of the dilemma facing the nation, but has proposed it in such a way that it can become more than a plan, it can become an Act and therefore a law. Furthermore, it is not an unreasonable plan . . . it is not pie in the sky, nor is it the work of some wild-eyed "kook" or "commie," who wants to give "everything" away. Senator McGovern's plan was outlined in detail in this column last week. We shall have to see whether the Congress was playing politics with Mr. Nixon and the people when they passed a program that was sure to be vetoed for health, education and welfare, or whether they really want people to be helped. The fact that the veto was so easily sustained makes me feel that some persons who voted for it in the first place, did so secure in the knowledge that it would never be acted upon, and they could get the credit for being with us . . . That's what gives politics such a dirty name.

Savage and Hurst . . . Look Alikes! After the Chicago Urban League Annual Luncheon on Friday, Citizen Publisher Augustus "Gus" Savage, candidate for the Democratic nomination to Congress in the Third Congressional District, and Dr. Charles Hurst, president of Malcolm X City College were comparing notes on the number of times that each one has been mistaken for the other. Gus has been asked how he plans to handle the problems facing the students and faculty at Malcolm X, which is in a transitional stage. Dr. Hurst has been asked what inroads he is making into the strength of the Regular Democratic Organization in his second try for the Congressional nomination. It must be hell for a white reporter to whom all blacks look alike to try to tell the difference . . . They do have a lot in common in addition to point of view. They look alike!

Black book drive . . . It's a little early for spring cleaning, but the newly established Fred Hampton Cultural Center at Chicago State College is trying to develop a library for the benefit of the students at the College who use the center, and who if they had something to read that was relevant might not play cards. They are seeking donations of books, magazines and other materials, such as recordings or tapes, which deal with the black experience. The drive is under the direction of the Afro-American Organization and donations should be brought to Room 5 C, any day, between 10 and 4 p.m. according to Charles Mosely, Coordinator of the Black Studies Program and the development of the Black Cultural Center. February 4th and 5th are the days that they would like to concentrate on receiving material. If you have questions call Mosely at 224-3900, eqt. 396.

[From the Chicago Sun-Times, Feb. 3, 1970]

NIXON BUDGET'S CREDIBILITY GAP

For the first time in four years, the federal budget submitted by President Nixon yesterday does not itemize the cost of the Vietnam war. This is supposed to give the President more flexibility in winding down the war, but it also conceals from the public the amount of the peace dividend that might be available for pressing domestic needs in the year ending June 30, 1971. It obscures the actual amount of normal military spending.

The administration pictures the first Nixon budget as more dedicated to "human resource programs" than to military spending. There is more political rhetoric in the statement than solid-bookkeeping.

The budget also is billed as "anti-inflationary" because it projects a surplus in mid-1971. Everyone will hope that this turns out to be true because a balanced budget is an important weapon in the war on inflation. But the surplus projected is a precarious one; a change of 1 per cent in spending or tax revenue would throw the government back into the red.

Perhaps the Federal Reserve Board, now headed by Mr. Nixon's appointee and long-time adviser, Arthur F. Burns, will be encouraged by the budget and by the general apprehension of imminent recession to ease the tight money supply. That's one of Mr. Nixon's hopes.

Mr. Nixon might better fight inflation and have more money to spend on homefront problems if he truly reduced the military budget substantially, say by sending a million young men back to civilian life. A half-million will be mustered out before 1972 but much money thus saved will be spent for more missiles, ships, planes and ABM expansion.

At $71.8 billion, the total military cost shows a cut of $5.2 billion. Mr. Nixon says the total represents only 37 per cent of his budget, down from 41 per cent this year, lowest since 1951-52. Let's take another look at it.

Subtracting $18 billion, next year's Vietnam cost recently estimated by Defense Sec. Laird, leaves a standard military budget of $53.8, the exact figure for this year. Last year it was $49.9 billion and the year before $54 billion. So there is no real deduction in basic spending, a fact obscured by the new policy on not printing Vietnam costs.

The amount spent on the military has a direct impact on the amount that can be spent for human needs—needs such as the free lunch program for poor Chicago school children that is now threatened by a lack of $2,[illegible]00,000 in federal funds.

Mr. Nixon says that he is raising funds for "human resource programs" by some $7 billion and they will make up 41 per cent of the budget. But this includes veterans benefits and services, part of the cost of war. If this is taken out, military spending is still the largest portion of the budget.

The budget is put into better perspective by assigning its cost to each man, woman and child. It comes to $979 per person. Of this, $358 will go for national defense, $39 for education and manpower, and $245 for income security programs.

How much more would be available for education if more emphasis were put on strict economy in the military? How much, for example, will be drained away from human needs by the expensive ABM system, the need or efficacy of which is debatable.

A nation's security is bound up in the health and welfare of its own people and its development of home-front resources.

The Nixon administration wants to give the impression that its major thrust is in this direction. But the size and obscurity of the standard military budget, complicated by the ambiguity regarding the cost of the Vietnam war, put a damper on hopes that this is truly the case.

[From the Chicago Daily Defender, Feb. 12, 1970]

(By Doris E. Saunders)

Have a Heart . . . Media Women are collecting canned goods and staples for hungry people in the Chicagoland area. Please bring any contribution to the Chicago Daily Defender office at 2400 S. Michigan Avenue on Saturday, (Valentines Day) between 10 a.m. and 3 p.m. The Chicago Chapter of Media Women will be responsible for getting the food to Operation Breadbasket who will then handle the distribution. Mrs. Mattie Smith Colin is president of the Chicago Chapter of Media Women, Mrs. Johanna Martin is Chairman of the Food Drive, and Mrs. Jean Johnson, Mrs. Lena Golightly, Frances Matlock, Thelma Hill and Florence Dyson are committee members. You won't miss a few cans of food, and it will help to fill a great need in some family. Have a Heart!

[From the Chicago Daily Defender, Feb. 23, 1970]

SCRAP PREDICTED OVER U.S. FREE LUNCH PLAN—ACTION IN CONGRESS

WASHINGTON.—(UPI)—Congress this week faces a scrap over programs to feed hungry children and the threat of another presidential veto.

But debate will be interrupted Wednesday when the House and Senate hold a joint session to hear an address by President Georges Pompidou of France.

Rep. Bertram Podell, D-N.Y., who has urged his colleagues to boycott the speech in protest against French sale of jet planes to Libya, predicted more than half the 435 House members would stay away.

Before Pompidou's appearance, the Senate will take up a bill proposing a sharp increase in spending for the federal school lunch program, with a formula to make states contribute as well as localities. Sen. George S. McGovern, D-S.D., chairman of a special committee which explored hunger and malnutrition problems, said he would offer amendments to expand the program even further.

The issue was similar to one last year over the food stamp program, when the Senate agriculture committee voted to increase it sharply and McGovern won floor amendments providing even more federal assistance.

A Senate appropriations subcommittee headed by Sen. Warren G. Magnuson, D-Wash., faces a $19.4 billion appropriations bill for the Labor Department, Department of Health, Education and Welfare and other agencies.

President Nixon vetoed it last month as too costly, and HEW Secretary Robert H. Finch told Magnuson Sunday he would recommend another veto unless the Senate cuts more money or puts in a clause letting Nixon withhold some of the spending. The House cut only half the amount Nixon requested.

Monday, both houses will hold their annual Washington's Birthday observance. Rep. Frank Annunzio, D-Ill., will read Washington's Farewell Address to the House, and Sen. Quentin N. Burdick, D-N.D., will perform the same chore in the Senate.

Washington never really delivered the speech. He gave it to a Philadelphia newspaper, which printed it.

[From the Chicago Daily News, Feb. 27, 1970]

JACKSON ISSUES A NEW MANIFESTO—'DECLARE HUNGER ILLEGAL'

(By Dave Canfield)

A newly drafted Hunger and Health Manifesto has been disclosed by the Rev. Jesse L. Jackson, national director of Operation Breadbasket.

The manifesto, announced by Mr. Jackson and other Breadbasket officials Thursday night, calls on the city to "declare hunger illegal."

The manifesto will be presented officially in an open session of the City Council "just as soon as we can," Mr. Jackson said.

He said it will be presented unofficially in the next few days by Breadbasket women, both black and white, in visits with "the wives of the mayor, aldermen, and (ward) committeemen."

Addressing himself to these officials, Mr. Jackson vowed: "We will embarrass you into decency."

It is indecent, he said, for "surplus to coexist with starvation in a $45.6 billion metropolitan enterprise.

Citing appropriations of $160 million for capital improvements reported out by the City Council last week, he said Chicago could spend "just a percentage of that money and really be the most aggressive city in feeding people in the whole country."

However, he said, city officials recently have voted "not one penny" in appropriations "for health and nutrition."

Other manifesto goals, as detailed by Mr. Jackson and the Rev. Willie Barrow call for:

"Heightening the whole issue of the greedy and the needy by visits to restaurants in rich neighborhoods."

"Doing things like going to church" with the families of public officials and other influential citizens, then accosting them after the services with statistics about hunger.

"Seeking enactment by the City Council of "the nation's first full-scale, city-wide breakfast program" under the Child Nutrition Act of 1966 for 260,000 youngsters.

"Striving for a comprehensive medical care program including regional hospital planning, neighborhood health clinics and insurance programs.

"Asking the General Assembly in April to continue the appropriation of funds under the Illinois Free School Lunch Act, which "are due to dry up at the end of March."

[From the Chicago Sun-Times, Mar. 2, 1970]

LIBERALIZED FOOD-STAMP PLAN NOW IN EFFECT

(By Linda Rockey)

Liberalized food-stamp benefits for low-income families went into effect Sunday in Illinois.

The new regulations, which enable a person to pay less money for more food, will be announced Monday at a press conference in the Food Stamp Certification Office, 1943 W. Madison. They are part of a nationwide effort made possible by an expanded federal budget of $610,000,000 for food-stamp operations.

Locally, the liberalization is aimed at getting more people to use food stamps. Only about one-third of the state's eligible families do.

"We hope that low-income people who have not taken advantage of the program will now come forward and help end hunger in their families," said Isabelle M. Kelley, director of the Food Stamp Division of the U.S. Department of Agriculture.

In an interview, she said that preliminary evidence shows more people using the stamps where the new regulations have been implemented.

In Illinois, a family of four on public aid will gain an additional $22 monthly in food-buying power. Their monthly food allowance is $92.60. Under the old program they paid $74 for stamps and received a $24 bonus, bringing their total food buying power to $116.60 per month. Today their cash outlay for stamps is $60, the bonus $46, for a total food-buying power of $138.60.

The new regulations also increase the maximum limit on income of non-assistance families eligible for food stamps. A family of four can now earn $300 a month. Previously, the maximum income for such a family was $259.

[From the Chicago Daily Defender, Mar. 2, 1970]

PUSH 'HUNGER MANIFESTO'

(By Faith C. Christmas)

Local and state officials will be visited this week by members of SCLC's Operation Breadbasket to urge their endorsement of a "Hunger and Health Manifesto," which calls for immediate action to eliminate the hunger and health crisis.

Officials of Operation Breadbasket announced Saturday that they hope to begin tomorrow, a series of meetings with the city's aldermen, ward committeemen and state legislators to urge their support of the Eight-point "Manifesto."

Wives of city and state officials, as well as ministers will also be visited to urge their participation in the anti-hunger program.

"We're challenging the city and state to eliminate the hunger and health problem by adopting our manifesto or coming up with one of their own," the Rev. Jesse L. Jackson, national head of Operation Breadbasket said.

He said the proposal will be submitted to City Council for adoption sometime this week.

In conjunction with the "Manifesto," a team of doctors and representatives of community organizations from the south and west sides will conduct today an investigative tour of the Cook County Hospital, which recently was forced to limit hospital admissions to emergency cases only.

Announcement of the organization's proposed action was made in an Operation Breadbasket meeting Saturday, attended by some 3,000 persons at the Capitol Theater, 79th and Halsted Sts.

A special call meeting of all persons who wish to participate in ward-by-ward visits with city aldermen and their wives is being held tonight at 7:30 p.m. at the Packinghouse Workers Hall, 49th and Wabash.

The Rev. Mrs. Willa Barrow, chairman of Operation Breadbasket's special projects said letters to the wives are being sent today asking for appointments to discuss the project.

The "Manifesto" was announced by Rev. Jackson in a special television presentation on the "Our People" show, WTTW-Channel 11 last Thursday.

Jackson said the proposal could make Chicago and Illinois the "first in the nation" to implement a positive approach to solving the problem of hunger and poor health care among the millions of poor people.

He declared, "We are trying to embarrass you into decency to feed your hungry, clothe your naked and care for your sick."

Jackson chided both black and white officials for remaining "silent" on the issue and called for them to speak out by joining him in the second part of the television presentation on Thursday.

As further prodding to black officials, Jackson said:

"There is no reason why all the black aldermen and state legislators can't agree on this one issue of hunger, even if they haven't agreed on one single thing before.

"On this, there just shouldn't be any debate."

[From the Chicago Daily Defender, Mar. 3, 1970]

RAPS U.S. ON HUNGER HERE

WASHINGTON.—Civil Rights leader Jesse Jackson said Monday the poor in America believe the government is more concerned about the South Vietnamese than it is about them.

Jackson, of Chicago, a top lieutenant to the late Dr. Martin Luther King, Jr. urged a basic "Americanization" program to feed and care for the poor at home.

America's poor, he told the select Senate committee on hunger and malnutrition, "don't feel as wanted, as cared for as the people of South Vietnam. We want an Americanization program for us here as consistent as the Vietnamization program."

Jackson told the committee he opposed President Nixon's Income Maintenance plan because it was inadequate. The plan would provide a family of four with $1,600 and food stamps worth about $800 in a broad overhaul of the present welfare system.

At the minimum, the program should give a family of four $3,600, Jackson said, and the government's own statistics say $6,000 is needed for a family of four to survive.

Nixon's plan, Jackson added, would do little except raise false hopes.

"It would be like finding a hungry man asleep," Jackson said. "It would be better to leave him asleep until you find him some food."

[From the Chicago Sun-Times, Mar. 3, 1970]

JESSE JACKSON: WELFARE PLAN CRUELLY INADEQUATE

County aide hopeful Chicagoans now eligible will make use of liberalized food stamp program, Page 16.

WASHINGTON (AP).—A Chicago Negro minister Monday branded President Nixon's plan to grant a $1,600-guaranteed income to poor families as cruelly inadequate. He challenged the President to defend it to an all-poor audience.

Testifying before the Senate's Hunger Committee, the Rev. Jesse Jackson said it is ridiculous to hold out the illusion that the $1,600 figure would begin to meet the needs of a family of four.

"If the President has the courtesy to come to us, we will give him the courtesy of not booing him and we would respond in a manner that would not be embarrassing to him," said Mr. Jackson who heads the Southern Christian Leadership Conference's Operation Breadbasket.

Mr. Jackson, a key aide to the late Dr. Martin Luther King, Jr., conceded that he agreed with the administration's proposals to scrap the present welfare system, and substitute some form of income maintenance or guaranteed annual income.

But he said all of the money totals so far suggested will not begin to establish a base from which families can raise their children in dignity on an adequate standard of living.

Mr. Jackson said such an income subsidy should be based on Labor Department statistics of the minimum income needed to maintain a minimum standard of living, a figure now more than $6,000 annually.

[From the Chicago Tribune, Mar. 3, 1970]

NIXON'S PLAN FOR POOR HIT BY JACKSON

WASHINGTON, March 2 (AP).—Army and national guard troops, used to put down slum riots in summer heat, should be called back in winter cold to distribute food and provide care, a civil rights leader told senators today.

The Rev. Jesse Jackson, head of Operation Breadbasket, made the suggestion in testimony in which he described as worse than nothing President Nixon's plan to guarantee poor families in a minimum $1,600 annual income.

Jackson said the $1,600 figure bars little relation to the cost of raising a family of four in an inflated economy.

And he suggested a better standard would be to set the figure at the minimum cited in department of labor statistics as the lowest dollar amount needed to match the cost of living, a total he said was now considerably more than $6,000 in some urban areas.

Jackson argued that the use of military troops to upgrade health and distribute food can be justified in Viet Nam.

Jackson testified in a hearing in which Sen. Robert J. Dole, [R., Kas.], challenged the right of the committee on nutrition and human needs to discuss any of several competing income-maintenance plans. He said these matters rightfully belong before the finance committee.

And he asserted that Jackson, who was called to testify by Chairman George S. McGovern [D., S.D.], was a witness only because it was predictable he would criticize Nixon.

Jackson did criticize the Nixon anti-poverty programs, saying they are out of touch with the needs of those they were drafted to serve.

He challenged the President to defend them before an all-poor, all-black audience.

"I don't think your goals are any loftier than the President's," Dole said, accusing Jackson of not being specific on what programs he favors or what changes he would make.

[From the Chicago Daily Defender, Mar. 9, 1970]

'ACT ON HUNGER,' ALDERMAN URGED

(By Faith C. Christmas)

The Rev. Jesse L. Jackson, head of SCLC's Operation Breadbasket called for protest walkout of aldermen from a City Council meeting on Wednesday, if Operation Breadbasket officials are prevented from submitting their "Hunger-Health Manifesto" to the City Council for adoption.

Rev. Jackson called for the walkout and a demonstration of "all concerned persons interested in eliminating the hunger crisis" during a meeting Saturday of Operation Breadbasket held at the Capitol Theater, 79th and Halsted Sts. attended by some 3,000 persons.

Also speaking in the meeting was Cong. John Conyers, (D-Mich.), who said he was here to support independent congressional candidates to help "liberate Chicago from a dictatorship."

Rev. Jackson also urged all politicians who have endorsed the 8-point "Manifesto", which calls for declaring hunger illegal and implementing immediate steps to eliminate the problem, to have his group admitted to City Council chambers on Wednesday, if others seek to keep them out.

He was apparently referring to Mayor Daley, who Rev. Jackson said has failed to reply to a telegram urging that the "Manifesto" be presented to city officials.

Said Rev. Jackson, "If the politicians who have endorsed our 'Manifesto' can't bring us into the meeting, then they should walk out.

"Either we present our proposal inside the chambers or else we'll do it outside in the halls." Persons supporting the "Manifesto" were urged to come to City Hall at 9:30 a.m. Wednesday.

Names of 13 city aldermen and ward committeemen who have either endorsed or refused support of the hunger-health measures were read in the meeting. To date, four officials reportedly have failed to endorse the proposal.

Visitations to other city officials and their wives will continue this week, it was announced by the Rev. Mrs. Willa Barrow, chairman of Operation Breadbasket's Special Projects division.

"If your alderman has voted negative on the 'Manifesto', then you should visit him to let him know that you're not satisfied with his action." Mrs. Barrow told the audience.

"And if they don't do their job of serving, protecting and representing us, then they should visit him to let him know that you're not satisfied with his action." Mrs. Barrow told the audience.

"And if they don't do their job of serving, protecting and representing us, then they should be replaced," she asserted.

Large supplies of food for the organization's free breakfast program were reported to have been collected yesterday during a "Hunger Sabbath" observed in many churches across the city.

The "Hunger-Health Manifesto", if adopted by the city administration will make Chicago and Illinois, the first in the nation to implement a "positive approach toward eradicating the twin-evils among the millions of poor", Jackson stated.

[From the Chicago Daily Defender, Mar. 9, 1970]

SUBURBAN BREADBASKET UNIT IN HUNGER CARAVAN

A caravan of about 50 cars from the northern and western suburbs carried food for Chicago's hungry to Operation Breadbasket's hunger drive headquarters at 51st and State St.

The food, which will go for the free breakfast program, has been collected during the last two weeks by Breadbasket's suburban division.

"If the North Shore suffered from the same lack of food and high disease rates as Chicago, it would be declared a disaster area and emergency supplies of food would be flown in," said Mrs. Tinna Linton of Northbrook, co-chairman of the suburban division.

She estimates that the group has collected enough breakfast items to feed about 600 people, "which is really a drop in the bucket when you consider that 600,000 people in Chicago are going hungry."

The caravan met in front of the Niles Township Jewish Congregation, 4500 W. Dempster, and proceeded to the center at 5036 S. State.

Breadbasket currently feeds more than 1,000 persons a week at four breakfast stations, two on the South Side, one of the Westside and one Uptown.

[From the Chicago Sun-Times, Mar. 10, 1970]

SET SPECIAL COUNCIL SESSION TO CONSIDER CITY HUNGER ISSUE

Three anti-administration aldermen petitioned Monday for a special meeting of the City Council Thursday on the issue of hunger in Chicago.

Aldermen Leon M. Despres (5th), A. A. Rayner Jr. (6th) and William Cousins Jr. (8th) filed a formal request with City Clerk John C. Marcin for a special meeting at 10 a.m. Thursday.

Rayner said the three aldermen will call for an ordinance creating a special city department to spend $35 million a year to cope with malnutrition.

Under the program urged by Rayner, the city would establish and operate service centers to provide hot meals for anyone in need.

"There will be a large contingent of people coming down to City Hall Thursday," Rayner told reporters.

Rayner and other anti-administration aldermen petitioned for a special session last August to consider city aid to the Chicago public schools.

The city corporation council's office ruled at that time that the call for the meeting was out of order because the City Council had similar proposals pending in committees.

Marcin refused to mail out notices for the August meeting. Rayner and other anti-administration aldermen then conducted a rump session, calling upon Mayor Daley to find funds to help the school system.

Marcin announced Monday that the petition for Thursday's special meeting is in order. Marcin said he was sending out notices for the special session to all members of the Council.

[From the Chicago Daily Defender, Mar. 10, 1970]

BLOCK DEMONSTRATION—HUNGER PLEA TO COUNCIL

A special session of the City Council will be held Thursday at the request of three anti-administration aldermen to hear an anti-hunger proposal drafted by SCLC's Operation Breadbasket.

Requesting the special session were Aldermen A.A. "Sammy" Rayner, (6th); William Cousins, (8th) and Leon Depres, (5th). They are among a number of city officials who have endorsed the "Hunger-Health Manifesto," which calls for immediate steps to eliminate the hunger and health crisis.

An aide in the office of City Clerk John Morrison confirmed Thursday's meeting and said "notices have been sent to all the city aldermen to attend the session at 10 a.m.

A protest walkout of aldermen, had been urged by the Rev. Jesse L. Jackson, national head of Operation Breadbasket, who called for a demonstration at City Hall on Wednesday if his group was prevented from submitting the "Manifesto."

Officials of Operation Breadbasket said "demonstration of concerned persons" is still planned for Thursday instead, to dramatize the need for the city to take action on the problem now.

Rev. Calvin S. Morris, associate director of Operation Breadbasket said, "those politicians who we've contacted for their endorsement of the proposal are expected to publicly affirm their position at the City Council meeting Thursday."

[From the Chicago Daily Defender, Mar. 12, 1970]

HUNGER PLAN TO COUNCIL—ASK $35-MILLION

An anti-hunger proposal that calls for emergency funds to create a special city department that will set up city wide food programs for Chicago's impoverished families will be submitted to the City Council today by SCLC's Operation Breadbasket.

The proposal would cost $35,000,000 for the establishment of a "Department For The Abolition of Hunger", which would plan, initiate, supervise and coordinate programs "with or without federal or state assistance."

Officials of Operation Breadbasket said the anti-hunger measures should be adopted as amendments to the city's municipal code, which calls for action to be taken "when necessary or expedient for the promotion of health or the suppression of diseases." They have also asked that the city declare hunger "illegal."

The "hunger" proposal was drafted by Operation Breadbasket in a "Hunger Health Manifesto," which seeks the immediate elimination of widespread hunger and poor health care among the city's poor.

Mayor Daley is expected to preside over today's special session of the City Council, which was requested by three anti-administration aldermen, who have endorsed the proposal. They are A.A. "Sammy" Rayner, (6th); William Cousins, (8th) and Leon DePres, (5th). Other aldermen and city officials reportedly have indicated their support of the hunger measures.

Earlier yesterday, the Rev. Jesse L. Jackson, head of Operation Breadbasket, and a group of his aides met with Daley and other city officials in a closed door city hall conference.

"Originally we intended to meet with aldermen to urge them to be present at Thursday's City Council session on the hunger manifesto," said the Rev. Calvin S. Morris, associate director of Breadbasket.

Morris said the meeting with Daley was prompted when it was learned that Daley would preside over today's council meeting.

"In essence," Morris said, "the purpose of yesterday's meeting with Daley was to urge the mayor to set an example by taking a positive step to end hunger."

[From the Chicago Daily Defender, Mar. 18, 1970]

HUNGER VOTE DUE

Hundreds of voters in 11 Chicago precincts went to the polls yesterday with a two-fold mission—vote for candidates in the primary and for or against hunger in city.

When the polls closed last night it was estimated that the "voting" on the "Community Referendum To Declare Hunger Illegal" was comparatively light. This was also typical of the official voting, since it was estimated that less than 30 per cent of the city's registered voters turned out to cast their ballots.

This unique voting plan was sponsored by Operation Breadbasket, economic arm of the Southern Christian Leadership Conference. The ballot boxes had to be placed at least 100 feet away from the official polling places in deference to a law that bans electioneering within that radius.

[From the Chicago Sun-Times, Mar. 19, 1970]

Food Line On West Side: Gratitude For Some Full Bags

(By Sam Washington)

The people crowded around the door of a community organization at 1527 W. Roosevelt on Wednesday, waiting patiently for food to take home to their families.

Inside bags of food were piled in rows from floor to ceiling. Women wearing little white aprons, with "Feed The Hungry" in black letters across them, were busily filling shopping bags.

The Rev. Mrs. Patricia Drinkard tried to keep some order between trips to the telephone to talk with newsmen.

"Yes, we hope to feed close to 1,500 people today," she said into the telephone in the tiny dark office at the rear of the large room that is headquarters of the West Side Organization.

WHERE THE NEED IS

Mrs. Drinkard is program co-ordinator for WSO and works with the Operation Breadbasket advisory committee on hunger.

She planned the food distribution day at WSO headquarters because she too knows about hunger and what it can do to people.

"This is where the need is," Mrs. Drinkard told The Sun-Times. "And we're looking to feed some of the many hungry people who live on the West Side where poverty and hunger go hand in hand."

The people, even those who had been allowed to stand inside, out of the cold wind, were growing impatient and pushed forward to the desk where Mrs. Drinkard was going to hand out the bags of food.

"Stand back and be patient," she shouted, but in a pleasant manner.

She was waiting for the Rev. Jesse L. Jackson, national director of Breadbasket—and when he arrived with his 5-year-old son, Jesse Jr., on his shoulder the people didn't seem impatient anymore.

WHEN IT STARTED

Smiling and moving through the crowd of people shaking hands and whispering little asides to a few of those who had been waiting Mr. Jackson finally took his place beside Mrs. Drinkard at the desk.

After some introductory remarks by WSO secretary William H. Darden, Mr. Jackson climbed up on a chair and, as always, the people listened.

And then they started moving through the room toward the desk to get the bags of food that contained cereal, canned goods, bread and a package of cookies.

"It will sure help a lot," said Mrs. Estell Rivera, 41.

Mrs. Rivera, of 1129 N. Francisco, is the mother of 13 children ranging in age from seven months to 17 years. She has no husband and the baby needs a special diet.

"With all those mouths to feed it often gets really rough," she said. "But I think this will help for a while."

Then she gathered up the three bags and headed down the alley for home.

[From the Chicago Sun-Times, Mar. 24, 1970]

Jackson Asks City 'Hunger Department'

(By Harry Golden Jr.)

The Rev. Jesse L. Jackson urged Monday that Chicago create a department to cope with hunger, while Mayor Daley asserted that it is a state responsibility.

Mr. Jackson, national director of Operation Breadbasket, economic affiliate of the Southern Christian Leadership Conference, and about 300 followers attended a hearing on the issue of hunger before the City Council Finance Committee.

"We are here in a state of crisis," Mr. Jackson told the committee. "Many of these witnesses have personally experienced hunger. We have not come to debate the existence of hunger. We have come to urge you to adopt an ordinance."

The minister outlined a proposal that the city establish a $36.3-million-a-year program to eliminate hunger.

Under his plan $14 million would be spent for new breakfast and milk programs in the public schools and another $14 million would go for meals to be distributed to the elderly.

The poor would be employed to operate the programs.

While Mr. Jackson was pleading his case, Mayor Daley called a press conference to announce three new projects under the federal Model Cities program, which provides $38,159,000 to upgrade Woodlawn, Lawndale, Grand Boulevard, and Uptown.

Asked for comment on the hunger hearing, Mayor Daley said, "We have said constantly and consistently that we will do everything we can to eliminate hunger in the city of Chicago.

"And we're trying to do it every day, and we ask for the names and addresses (of those suffering from hunger) and we'll deliver food to them."

Then the mayor said, "Welfare is entirely under Cook County and the State of Illinois. The money being collected by the state is for welfare and it should be spent for welfare.

Mr. Jackson said he will conduct demonstrations if the City Council fails to enact a new anti-hunger program.

"One thing is for sure," Mr. Jackson said in an interview after Monday's meeting. "If the city has the freedom to tax people and fails to act, then the blood is on the mayor's hands.

"If the city fails to act, I would just as soon spend Easter in jail eating a meal that costs 39 cents as opposed to 26 cents allotted to families on public aid. This city is going to deal with the question."

C. Virgil Martin, chairman of the board of Carson Pirie Scott & Co., testified before the Finance Committee as vice chairman of the Advisory Commission of the Cook County Public Aid Department.

Martin urged aldermen to put pressure on the state and federal governments to increase public aid allotments.

"Massive city expenditures are not the long-range solution," Martin said.

"There has been hunger in most welfare families . . . but this situation far exceeds anything the city could do. There is just not enough state and federal support coming in to do the job," he said.

Mr. Jackson testified that 600,000 Chicagoans are undernourished. He said there are 200,000 children "in the confines of the hunger ghetto."

Mayor Daley also announced details of a $1 million Model Cities project that will keep target-area schools open at night for education and recreation.

Another $338,726 will be spent for "Operation Alternative," a program in which the Sears YMCA, 3210 W. Arthington, will train 100 young men who have appeared in Circuit Court on misdemeanor charges.

Still another $74,646 will be spent for foster family day care homes to serve 800 children.

[From the Chicago Sun-Times, Mar. 24, 1970]

STATE PUBLIC AID ROLLS STILL RISE, HIT HIGH OF 592,493

SPRINGFIELD, Ill.—Illinois public aid rolls continued their steady growth in January, reaching a new high of 592,493 persons, it was disclosed Monday.

The new figure represented an increase of 16,038 over December and 65,888 over January, 1969, according to Public Aid Director Harold O. Swank.

The Aid to Depentdent Children program registered the biggest single increase, Swank said, rising 7,683 over December and 53,910 over January, 1969. Of the total ADC increase in January, Cook County accounted for 42 per cent, or 3,232 persons, he said.

Swank said the number of aid recipients also increased in January in three other main categories—blind assistance, disability assistance and general assistance. The only program to register a decrease was old age assistance, which declined slightly from December's figure.

In all, Swank said, 98 counties registered increases in the number of persons receiving aid, while four recorded declines. Cook County accounted for 39 per cent of the net rise, he said.

The total public aid budget for the 1969-70 fiscal year is $664 million. Swank has said he expects that figure to increase about $160 million to 844 million for the 1970-71 fiscal year. A legislative battle over the proposed increase can be expected.

[From the Chicago Tribune, Mar. 24, 1970]

Talk To Nixon About Hunger, Council Told

TAKE PLEA TO CAPITAL, VIRGIL MARTIN URGES

A business executive urged yesterday that the full city council go to Washington and sit down with President Nixon and the Illinois congressional delegation to urge action to halt hunger.

C. Virgil Martin, chairman of Carson Pirie Scott & Co., and vice chairman of an advisory committee to the county public aid department, said something then would be done.

He spoke at a hearing of the city council finance committee on proposals from Operation Breadbasket, economic arm of the Southern Christian Leadership conference. Among proposals are that the city set up a department for abolition of hunger with 36 million dollars of appropriations.

HE DELINEATES RESPONSIBILITIES

Martin said massive amounts of money from the city would not be a long range solution to the problem and that welfare primarily is a federal and state problem. But the city does "have a responsibility to see that there is as little hunger as humanly possible."

To contentions of minority aldermen that he was saying nothing should be done here and now, Martin replied, "I say let's not give these people who are hungry false promises when we haven't the fiscal means to solve this."

Another witness, David Daniel, county public aid director, said 29.5 million dollars are spent monthly to aid 361,000 individuals in Cook county, yet these people live below the poverty index. He said the welfare systems needs great change.

CLERGYMAN HEARD FROM

Before the committee and in statements preceding the meeting, the Rev. James L. Jackson, head of Operation Breadbasket, contende dthere are 110,000 hungry families in Chicago. He said 600,000 people are malnourished.

If the council failed to act, he said, then Mayor Daley and Ald. Thomas E. Keane [31st], finance committee chairman, will be asked to see the hungry in their neighborhoods or "we'll bring them down here."

Several clergymen, most of them white, praised the Rev. Mr. Jackson and supported his testimony.

SESSION RESUMES TODAY

Among other witnesses was Evelyn Regulus, 17, of Robert Taylor homes, 4848 State St., who said her mother's welfare check "runs out two weeks before she's due for another" and that neither she nor her brother has a bed.

The hearings were recessed until 2 p.m. today, when the committee is to hear more Operation Breadbasket witnesses and city officials concerned with welfare problems.

The Rev. Mr. Jackson and administration aldermen conferred at length. Some administration leaders indicate dthey thought some agreement could be reached, and quote dthe Rev. Mr. Jackson as saying the 35-million-dollar appropriation sought was "negotiable."

[From the Chicago Sun-Times, Mar. 25, 1970]

Jackson Walks Out On City Hunger Probe

(By Harry Golden Jr.)

The Rev. Jesse L. Jackson stalked out of the City Council Finance Committee hearings on hunger Tuesday, saying the city has the resources, but not the willingness to deal with hunger.

Mr. Jackson, national director of Operation Breadbasket, the economic arm of the Southern Christian Leadership Conference, said he would return.

"We will be back at the session of the City Council at 10 a.m. Wednesday," he said. "We will bring hungry people and you will hear babies crying outside the City Council chamber."

Mr. Jackson and some 200 supporters walked out after three hours of testimony by Operation Breadbasket and city spokesmen on Mr. Jackson's proposed $36.3-million-a-year anti-hunger program.

The walkout occurred shortly after a city official had testified on what federal, state and city governments are doing to cope with poverty.

Ald. Thomas E. Keane (31st) then yielded the chair of the commitee to Ald. Ralph H. Metcalfe (3d) and left the room.

Mr. Jackson asked if he could testify again and stalked out of the room after telling the committee he was disappointed with the progress in the hearing.

Shortly after Mr. Jackson and his followers left, the committee adjourned, even though additional witnesses for both the city and Operation Breadbasket did not get to testify.

Asked after the hearing if he thought the city would pass his anti-hunger program, Mr. Jackson replied:

"No, unless there is a change of heart in the City Council, this city and these aldermen will continue to fiddle while peoples' stomachs burn."

Ald. Leon M. Depres (5th) said of the walkout:

"There were two very serious mistakes made in the City Council Finance Committee today. Ald. Keane walked out on the most important and meaningful meeting this committee has ever had."

The committee also failed to entertain seriously Mr. Jackson's multimillion-dollar program to feed the poor, he charged.

[From the Chicago Sun-Times, Mar. 26, 1970]

HUNGER RESOLUTION STALLED AFTER BITTER COUNCIL SESSION

(By Harry Golden Jr.)

The City Council stalled action on the hunger issue Wednesday after bitter and noisy sessions.

The Council—dominated by supporters of Mayor Daley—indicated that through a resolution it will call on the state and federal governments to increase public aid allotments. A session is scheduled April 8.

Two antiadministration aldermen—Leon M. Despres (5th) and William Cousins Jr. (8th)—exercised their right to demand that action be postponed.

Earlier Wednesday, Despres and Cousins opposed a 37-vote majority in a surprise session of the City Council Finance Committee.

Failing to appear at the Finance Committee session or the formal session of the City Council was The Rev. Jesse L. Jackson, national director of Operation Breadbasket, the economic affiliate of the Southern Christian Leadership Conference.

Mr. Jackson is the author of a program that would spend $36.3 million a year to feed the poor in Chicago.

The mayor instructed his Council majority to call a meeting of the Finance Committee 15 minutes before the scheduled Council formal session.

At the meeting of the committee, consisting of all 50 aldermen, the Daley administration introduced a resolution that would deal with hunger in terms of pressure o nthe Illinois General Assembly and the Congress.

Ald. Wilson Frost (21st) authored the administration resolution.

It declares, "The existence of hunger, malnutrition and dietary deficiency is contrary to the public policy of this city."

The Frost resolution asserts, "Legislative ceilings set on (public) assistance as wel las the criteria set by the Illinois Department of Public Aid on school breakfast and lunch programs, mergency food allotments, food-tamp programs and sustenance allotments generally need to be reevaluated and set at levels compatible wit hthe declared policy of the state."

Arguing for his resolution, Frost charged that the state, under the direction of Gov. Ogilvie, has a massive budget surplus.

"We can tell the State of Illinois that we want a fair share of the (Illinois state income) taxes being collecte din Chicago," he said.

Ald. Kenneth E. Campbell (20th), another Daley administratio nspokesman, proposed:

"We should all go down to Washington and Springfield in a body" to implore the Congres sand the General Assembly to increase the basic allotment for public aid families and food programs in the public schools.

Despres madea motion in the Finance Committee that Mr. Jackson's program be considered as a substitute to the Frost resolution.

Ald. Thomas E. Keane (31st), chairman of the Finance Committee, called the Despres motion "frivolous." Keane would not entertain a substitute motion to recommend the Jackson program while the Frost resolution was before the committee.

Despres cried out approximately 50 times, "This is a grossly unfair ruling of the chair. I respectfully and democratically appeal the arbitrary and tyrannical ruling of the chair and request a roll call."

Keane retorted, "You want tot play with something as important as poverty and you have put on a show fo rthe television.

"You are more interested in a five-cent nickelodian and in vaudevillian acts than in dealing wit hthis serious problem."

The Rev. Calvin E. Morris associate director of Operation Breadbasket, led about 200 persons into the City Council chamber in anticipation of action on the issue.

Mr. Morris indicated he wanted to speak in behalf of Mr. Jackson's program. However, he left City Hall when he realized that he would not get the floor—in light of the motion to defer action on the Frost resolution.

In another matter the Council confirmed Mayor Daley's appointment of Richard L. Curry as corporation counsel.

The vote was 39 to 1, with Despres objecting. Despres pointed out that Curry is a first cousin of Daley and raised the issue of nepotism.

Administrative aldermen, however, praised Curry's record as sassistant corporation counsel under Raymond F. Simon, who resigned early this year to form a law firm with the mayor's son, Richard M. Daley.

The Council also approved a $37,947,000 contract for a parking garage at O'Hare Airport.

The city will issue revenue bonds to finance the garage. The bonds will be paid off with landing fees and othe rairport revenues.

[From the Chicago Daily News, Mar. 30, 1970]

BAR PATRONS HELP HUNGRY—LUNCH FOR KIDS

(By Karen Hasman)

The whole affair could have been taken from the pages of a Damon Runyon story.

Some hungry Waukegan schoolchildren needed an angel to help bail out a church-sponsored hot lunch program. So Jiggs the Barber and the patrons of one of Waukegan's notorious night spots came to the rescue.

Now Jiggs should be like a character right out of "Guys and Dolls." Which he ain't.

Alfred (Jiggs) Foster is a 28-year-old black barber who grew up on the wrong side of Waukegan. And he proved once again that a town's not-so-solid-citizens can be as soft as the square guys when it comes to a hungry kid.

Largely because of Jiggs' efforts, hundreds of patrons of the Cat 'N Fiddle, a notorious bar at 655 S. Genesee, Waukegan, turned out for a fashion show and dance to benefit the hot lunch program sponsored by Trinity A.M.E. Church, a black parish located in the middle of Waukegan's sprawling housing project.

The church at 210 South Av., came face to face with the hunger problem last summer when several neighborhood schoolchildren came in and hungrily devoured leftover cake and cookies after a parish tea.

"We discovered there was such great hunger in the community, we just couldn't handle the need ourselves," said Trinity's pastor, the Rev. A. C. Wright.

"We decided to ask the community to assist us in financing a program to feed 125 children. The response was almost spontaneous."

Since November, when the program began, the church has raised nearly $4,000 from concerned residents of the area. Mr. Wright says it costs $2.50 a week to feed one youngster lunch Mondays through Fridays.

Although many concerned residents of the area have contributed, Mr. Wright considers the most gratifying—and unexpected—response from patrons of the Cat 'N Fiddle.

"The Cat 'N Fiddle is not the place of the best reputation and we had scratched them off the list because we figured they weren't even concerned," Rev. Wright said.

They were concerned enough to raise more than $400 and 10 cases of canned goods at the fashion show Jiggs organized to keep the hot lunch program going.

"I work and live in that neighborhood and I see those kids eating cookies and candy for lunch because that's all they had," said "Jiggs" Foster. "I was concerned about them and decided anything that was possible to raise funds to change the situation would be beautiful."

The hot lunch program, the minister said, has been "extremely rewarding."

[From the Chicago Daily News, Mar. 30, 1970]

HUNGER AID TOO LITTLE—SENATE UNIT

WASHINGTON (AP).—The Senate special hunger committee charges that a federal program to fight malnutrition among pregnant women and children—especially infants—is falling far short of its goals.

In some cases, the Select Committee on Nutrition and Human Needs said, funds are given only after a person shows signs of malnutrition, rather than on a preventive basis to potential victims.

In other cases, the panel said, special packets of food are given only to those who ask for help, with little effort made to bring in needy persons. In some areas authorities are illegally requiring birth certificates and statements of financial need.

The report of the committee, headed by Sen. George S. McGovern (D-S.D.), was based on field studies last summer in seven states and the District of Columbia.

The committee cited these examples of its findings regarding the supplemental food program:

- In Detroit, where the program has been limited to indigent mothers and their children enrolled in designated maternal health programs, only 343 of an estimated 80,000 eligible persons were participating. But in Nashville, Tenn., where a preventive approach was being used, about 1,000 persons were being certified each month.
- In Willacy County, Texas, birth certificates were being required and 207 of 1,336 eligible persons were enrolled. A mother of 11 children was unable to get the aid because she had moved to the area from New York City and didn't have the necessary documents.
- In De Kalb County, Georgia, a means test was required to determine eligibility, but the committee said in practice it was being ignored by the county's public health nurses.
- On the Navajo Indian reservation in Arizona, there were only two distribution centers on the reservation which stretches 200 miles east and west and 150 miles north. Only 574 of an estimated 23,000 eligible were receiving assistance.

[From the Chicago Sun-Times, Apr. 2, 1970]

FEED THE HUNGRY!

The Rev. Jesse Jackson, national director of Operation Breadbasket, proposed that Chicago set up a $36 million program to feed its hungry.

The City Council reacted with a copout. It denounced hunger as contrary to city policy, then, sitting as the finance committee, supported a resolution placing the burden on state and federal agencies.

Well, that resolution is to be heard again at the next council meeting. We urge it be dumped. The city must bear the responsibility for the welfare of its residents, even the politically impotent hungry. If council members don't recognize that, they do not deserve office.

[From the Chicago Sun-Times, Apr. 2, 1970]

$4.97-BILLION OGILVIE BUDGET ASKS END OF PERSONAL PROPERTY TAX

(By Burnell Heinecke)

SPRINGFIELD, Ill.—Gov. Ogilvie presented the General Assembly a $4.947-billion budget Wednesday. The measure called for no tax increases, but proposed that the personal property tax be abolished for all individuals.

Ogilvie called his budget "lean and spare" and threatened vetoes if the Legislature votes either to increase taxes or to provide any appropriations in excess of his figures.

Besides abolition of the personal property tax—with a potentially great impact on local taxing bodies—there were these other volatile proposals from the governor:

(1) Sharp increases in tuition at state universities and colleges to put a great share of the burden of higher education on those using the facilities.

(2) A $33-million reduction in the mental health budget and channeling of mental health fund payments from patients' relatives into the General Revenue Fund.

(3) A 185-million increase in spending for a public aid program that Ogilvie branded an acknowledged failure.

Some major innovations were proposed—primarily a new approach to allocation of state funds to local school districts.

[From the Chicago Sun-Times, Apr. 2, 1970]

HOW OGILVIE WOULD AID CHICAGO SCHOOLS

(By Burnell Heinecke and Jerome Watson)

SPRINGFIELD, Ill.—Gov. Ogilvie proposed in his budget Wednesday that the level of school aid be increased from $520 to $550 per pupil under a revised formula which also would provide increased help to large urban and small rural districts.

Chicago would get an extra $15 million, under the two changes, in the last six months of 1970—far short of the $45 million that school officials say they need to avoid cutbacks and the threat of a teacher's strike.

Of the $15 million, $11.5 million would be Chicago's share of $18.5 million that would go to the state's 20 biggest and 200 smallest school districts. The other $3.5 million to Chicago would result from the per-pupil aid increase.

The effect of the two changes would be to boost the level of school aid to $594 per pupil in Chicago.

For the second straight year, Ogilvie called for state aid to private schools. His proposal this year is for $29 million of such aid, down from his $32-million recommendation that the Senate defeated last year.

The total amount of aid to public schools would go up to $932 million. Last year, the General Assembly increased the total from $514 million to $806 million.

"Excellence in education is the top priority of the administration in (fiscal) 1971," Ogilvie said.

The governor's new aid formula is aimed at the special needs of urban districts that have inner cities and at rural districts that cannot take advantage of the economies of large-scale operations.

[From the Chicago Daily Defender, Apr. 2, 1970]

MORE MONEY TO FEED SCHOOL CHILDREN

According to a U.S. Department of Agriculture, an additional 30 million dollars has been made available to help the States to meet the needs of hungry school children from needy families. According to Secretary of Agriculture Clifford M. Hardin. "Over Half of the States need more money, and this action will assure them that their programs for needy youngsters will be continued. Other states that have program expansions underway will be able to share these additional funds as needed."

It was indicated that these funds will not be divided among States on any statutory formulas as are other child nutrition funds. The monies will be advanced to the States based on demonstrated need to continue providing lunches and breakfasts to needy children throughout the remainder of this school year. That means in government language, through fiscal 70, which to you and me, is June 30 of this year. The funds were transferred from Section 32 and will supplement the 316 million Congress appropriated earlier this year to provide food service for children and the USDA's Child Nutrition program

Illinois had requested nearly 4 million dollars over the amount previously allocated for fiscal 1970. It is to be hoped now, that some of the problems relating to hungry school children can be ironed out . . . not all of them, but some.

[From the Chicago Daily Defender, Apr. 4–10, 1970]

TOTAL JOBLESS AT 4.2% BLACK RATE UP TO 7%

WASHINGTON.—The employment situation weakened in Feb., the U.S. Department of Labor's Bureau of Labor Statistics has reported.

Unemployment rose sharply for the second consecutive month, while non agricultural employment inched down and the manufacturing workweek dropped to the lowest level since January 1962.

The overall unemployment rate was 4.2 percent in Feb., up from 3.9 percent in Jan., and at its highest level since Oct. 1965. The over-the-month rise in joblessness occured almost entirely among adult, full-time workers.

A slowdown in the demand for labor has become particularly evident in the manufacturing industries; manufacturing employment has been declining steadily since August, 1969, and the jobless rate for factory workers has risen sharply. Workers in durable goods manufacturing have been especially affected by the slowdown.

There were a total of 3.8 million unemployed workers in Feb., up from 3.4 million in Jan. After seasonal adjustment, unemployment was up by 250,000, with about one-third of the rise due to production cutbacks in the auto industry.

The entire over-the-month increase in joblessness (seasonally adjusted) occurred among adult workers. Unemployment rose about 150,000 for adult men and 130,000 for adult women, Joblessness among teenagers was virtually unchanged.

Jobless rates rose for both white and Negro workers in February. The white rate moved from 3.6 to 3.8 percent, while the Negro rate climbed from 6.3 to 7.0 percent. Since last fall the Negro rate has remained less than double the white rate.

About three-fifths of the unemployment rise of the past two months has taken place among workers who had lost their jobs rather than among workers newly entering the labor force. The job-loss pattern is particularly evident among the blue-collar unemployed, many of whom have been laid off due to reduced activity.

[From the Congressional Record, Apr. 8, 1970]

THE URBAN INDIAN—HON. GEORGE E. BROWN, JR., OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Mr. Brown of California. Mr. Speaker, until the now famous Alcatraz "invasion" last November, the most common characterization of the American Indian was that of the reservation dweller, the laconic "redman" living a proud but impoverished life on ancestral grounds.

Alcatraz helped change that view.

The American Indian people are among the most oppressed of all minority groups, and our society which literally raped them of their lands and their heritage is just beginning to realize the tragedy of the Indian people.

A major part of that tragedy is the place of the urban Indian. The one issue that Alcatraz has helped point out above all is the plight of the urban Indian—the man caught and compressed between two polemical cultures.

Recently, Jean Murphy of the Los Angeles Times wrote a deep and revealing series of articles on the role of the urban Indian. I recommend these articles to anyone who is interested in the direction of Indian policy, for as the articles make clear, the need is great for effective and viable programs to assist the urban Indians.

Earlier this year I introduced House Resolution 854 which calls for creation of a special select committee to study Indian policies—and pay particular attention to problems of urban Indians. The Los Angeles Times articles show why this committee is imperative.

I now insert into the RECORD the two articles by Jean Murphy:

[From the Los Angeles Times, Mar. 22, 1970]

THE URBAN INDIAN: AGONIZING TRANSITION FROM OLD WAYS TO NEW

(By Jean Murphy)

(NOTE—Ten years ago Los Angeles had an American Indian population of 12,000. Today, Indians in the metropolitan area number about 50,000 and constitute what is probably the city's fastest-growing minority group.

(The Indians who leaves their reservations for Los Angeles face strange and awesome pressures on family life. Sometimes the family structure is maintained; often it breaks under the stress of unfamiliar urban demands.

(Yet the urban Indian and his family remain virtually unnoticed, almost unseen, the "forgotten Americans," as President Franklin D. Roosevelt called reservation Indians more than three decades ago.)

To the concrete prairie they come. The Sioux from South Dakota. The Navajo from New Mexico. The Ute from Colorado. The Hopi from Arizona. The Creek from Oklahoma and the Winnebago from Wisconsin.

Into Los Angeles they come from reservations and rural areas and towns in all parts of the country, creating here the largest population of American Indians in any U.S. city.

Within the metropolitan area, the migration has formed yet another significant minority group—a minority skyrocket in numbers, shackled by problems, maturing in self-awareness, increasingly urgent in its demands, impelled by hope and anger.

How many urban Indians are there? Where are they? Who are they? What are their problems and their goals?

No one really knows.

The reservation Indian, to his resentment, has been studied and researched and observed until, as one said, "I feel like I'm just a statistic."

After the reservation Indian has made the agonizing transition to urban Indian, even statistics are scarce, shaky and often at conflict. Opinions of Indian leaders and Indian "experts" vary.

Interviews and documents reveal one fact clearly: the Los Angeles Indian, although he may be indefinable and partially invisible, is certainly not vanishing.

In 1960, the U.S. census listed 12,000 Indians in the Los Angeles area. In 1966, the State Advisory Commission on Indian Affairs estimated a population of 23,000 to 25,000. A 1967 study by anthropologist John A. Price, then at UCLA, reported about 27,000.

For 1970, the Bureau of Indian Affairs director in Los Angeles made "an educated guess" of about 40,000 Urban Indian leaders place the figure at between 50,000 and 60,000, one guessed as high as 75,000.

Whatever the exact number, it follows the growth patern noted by the census between 1950 and 1960. In that 10-year period, urban Indians in California increased by 304% while Indians living in rural parts of the state increased by only 23%.

In the year ending June 30, 1969, nearly 1,000 Indians, including wives and children, moved to the Los Angeles area under the Bureau of Indian Affairs relocation program, according to D. L. Mahoney, BIA director here.

How many more came on their own? Again, no one knows.

One Indian leader willing to hazard a guess put the figure at 2,500.

The Indians, unlike Negroes and Mexican-Americans do not tend to congregate in ghettos. Price found about half living in the central area with the rest widely scattered. They live in many communities including Bell Gardens, Cudahy, Inglewood, San Gabriel, Santa Ana, Venice, Mar Vista.

Whatever their numbers, their troubles—by their own admission—are fearsome and stem from the agony of trying to function in a complex new society with strange values while struggling to retain their cultural heritage. Many Indians, particularly those off the reservations, face frightening hurdles—from everyday dilemmas (how to take a bus, how to use a pay telephone) to acute problems of family disintegration, health, alcoholism and psychological adjustment.

CLASSIFIED INSANE

Anthropologist Price tells of a newly arrived Navajo who could speak no English: He was "quite sick so he approached a woman wearing a white uniform walking down the street, who he thought was a nurse. The woman, a beautician, thought she was being attacked and had the man arrested. The police, who could not understand the man, placed him in a hospital where he was classified as an insane Mexican-American."

Some Indians have succeeded, but "for every guy who's made it, there are a whole hell of a lot who haven't," Fred Gabourie said. Gabourie is one who has made it. A Seneca, he "bummed around and was a stunt man." At 37, he went back to school and earned a law degree; he now practices law in Sherman Oaks and is active in the Indian rights movement.

Here is how Gabourie and other Indians paint the painful picture:

"I'd say that about 50% of the Indian families I see just dissolve," Mrs. Carmelia Coffer said. A Pawnee and Pima, she is a social service aide with the County Health Department.

"We don't go through divorce procedures very often," she said. "The main reason (for family disintegration) is urban frustration—the big beautiful rat race—and if the man can't meet the pressures he maybe begins drinking and loses his function as head of the household. Pride often keeps the family from going on welfare and they go back home.

"And the kids—God, they're our problem. The kids enter school here and see what other kids are doing and pretty soon they're disrespecting the laws of the home, the school and authorities and they get into trouble."

"Indians are reticent about getting divorces," Gabourie agreed. "As families lose cohesiveness, they just split up. And as for juvenile delinquency, who standards do we use? It's not fair."

"I know one boy who went to see a relative at school. He was arrested for loitering. Then he was arrested for jaywalking. He decided to go back to the reservation and he was arrested for hitchhiking," said an Indian woman lawyer who asked that she not be identified by name.

"But you can't make generalities," she continued. "Some adjust and blend well into the community and others are so thoroughly confused they don't know what to do."

She thinks the Indian drinking problem may be rooted in childbirth.

"My husband, a physician, believes a lot of it is due to neo-natal oxygen deprivation.

STARVED BODIES

"When the mothers suffer from malnutrition and poor medical care, their little starved bodies can't produce healthy babies. When the oxygen-deprived babies grow up and are subjected to stresses and pressures and find that alcohol is an anesthetic. . . ."

"Probably 99% of all the trouble the Indian get into with the law stems from alcohol," Gabourie said. "The Indian was denied alcohol for so long (until 1954) that now he's saying, "This is my right and I'm gonna drink it whether I like it or not.'

"The application of law is not the same. For example, on reservations a common drunk will be taken home and put to bed. The cop is the Indian's friend. But in the city he's jailed and charged."

Price's survey reported that "drinking alcoholic beverages was seen as the major problem among Los Angeles Indians; 32% (of 3,000 surveyed) said this."

"The Indian has never learned to harness alcohol," said Samuel Kolb, a millwright, a member of the Mission band of Rincon Indians and secretary of the Indian Center in Los Angeles.

The Indian comes to the city, seeking a better life than the ravaged reservations can provide, but "he doesn't know where to go or what to do. He has no, what you call, work background," Kolb said. Many turn to the Indian Center for food and clothes.

"Reservation Indians don't form the work pattern because they don't see Daddy going off to work," said Tim Wapato, an Entiat, a sergeant in the Los Angeles Police Department, president of Indian Welcome House and a leader of the Pan-Indian movement. "If parents aren't educated in the skills of the dominant society, then the kids aren't, either.

"I'd say the vast majority of Indians in Los Angeles are in the lower socioeconomic class and live under conditions that are unlivable," Wapato said.

Explained Joe Vasquez, another Indian leader who is a Sioux and Apache and a member of the Los Angeles Human Relations Commission:

"They come off the reservation with a fifth grade education, no training, no knowledge of credit and money matters, no understanding of the hurried Americans in the massive jungle.

"I'd estimate that Indians in Los Angeles average $4,000 a year, with one-third way below par. And we think about 50% of their children drop out of school before finishing high school."

According to the Bureau of Indian Affairs director, Indians coming to Los Angeles under the bureau's relocation program—vocational training and employment assistance—fare better financially.

PERMANENT JOBS

"Most are in the $7,000 to $8,000 braket," Mahoney said. The bureau places 15 to 25 Indians in permanent jobs each week; it has 250 to 500 young people in training at all times and, Mahoney said 75% to 80% make a successful adjustment to urban living.

The training is, however, generally limited to two years—a sore point among Indians. "Hell," said one activist, "we've got moredamn welders and beauty operators and fewer teachers and doctors than we need."

Mahoney admitted that 15% to 20% of those applying for vocational training have college potential but that "there's not anywhere near enough scholarships. I wish there were many many more."

One who went through the relocation program is a young Winnebago woman. With a year and a half of college behind her, she came to Los Angeles, was trained as an assembler and became a factory worker.

"I came because I didn't know what to do, to be," she said. "Now I know. I want to go back to school, study sociology and work with my own people."

Another government-trained Indian—he's not sure which branch of the government provided his training—is an Eskimo from a small village where his father was an ivory carver. The young Eskimo has fought both alcoholism and tuberculosis; he was trained as an ironer and spends his days in a hot laundry and his nights in a lonely room.

"I used to spend my nights in bars—I guess I've been in jail 75 times for plain drunk—but I think I've got the drinking licked now," he said. "But it's lonesome. Most of my friends are in jail a lot for getting drunk."

The alcohol program coordinator for Los Angeles County, Paul Hinshelwood, said that about 200 American Indians appear in county court every month on drunk charges. The rate of alcoholism is so high, Hinshelwood believes, that he is working for a residential treatment center for Indians only.

"They come to town with nothing. What else have they got to do but drink?" Hinshelwood asked.

"There is also some indication of an increase in drinking among Indian women," said Dr. Frank Pacino of the County Health Department.

Alcoholism is but one health problem of the Los Angeles area Indian.

MORE PROBLEMS

Dr. Pacino, whose district includes communities of Indians in Bell Gardens, Bell and Cudahy, has estimated that infectious respiratory diseases are five times higher among Indians in Los Angeles County than among other cultures; strep throat infections eight to 10 times higher; dysentery 17 times higher, and the infant mortality rate is 34.5 per 1,000 births, 12 points above the national average.

"Among the children, malnutrition, pneumonia and viral infections are common," he said. "And the life expectancy is only 45 years."

Even for Indians with good health, stability, education and skills, the shift to urban living is not easy.

Mrs. Eva Fontaine, who was council president for 17 Hopi tribes in Arizona, holds a degree in sociology from Arizona State University. She came to Los Angeles less than two years ago to serve as recreation leader with the Job Corps program.

"Everything is so busy, so impersonal here," she said. "And my children are very homesick. They're not accepted at school; the other children call them savages.

"I'll probably go back some day. On the reservation, you know what life is and you appreciate life more."

TRIBAL CHAIRMAN

Edward Olivas, a Chumash from the Santa Ynez reservation near Solvang and chairman of his tribal council, agreed. Olivas, who recently left his post as director of the Joint Venture poverty program in Pacoima to join the State Department of Human Resources Development, was brought to Los Angeles as a child but returns as often as possible to his reservation where he works to improve conditions.

"It's very difficult to earn any kind of a living on the reservation but it's better there in the fresh air. It's closer to nature, it's not crowded, the earth is there.

"It depends on your values but I think I know the real values now and I think it's better there than here where it's dog eat dog and you don't have a chance."

[From the Chicago Daily Defender, Apr. 9, 1970]

COUNCILMEN ACT—VOTE $500,000 IN HUNGER DRIVE

(By Faith C. Christmas)

An official of SCLC's Operation Breadbasket described as a "stop-gap" measuse, a $500,000 emergency food program adopted by the City Council yesterday but also acknowledged that the city has at least responded to the problem of hunger.

Commenting on the council's action in the absence of the Rev. Jesse L. Jackson, national director of Operation Breadbasket, was the Rev. Dave Wallace, an administrative aide. Rev. Jackson is reported out of the city.

Operation Breadbasket had urged the city to create a $35-million department to climate hunger in an ordinance that was rejected by the Council's Finance Committee on March 25 and replaced by a substitute resolution submitted by 21st Ward Ald. Wilson Frost.

The Council unanimously passed both Frost's resolution and Mayor Daley's $500,000 food program as a package deal. An ordinance to levy an emergency tax for financing the program is expected to be approved in a later meeting. Federal funds will also be sought to supplement the program.

Rev. Wallace said that Operation Breadbasket will continue to urge Mayor Daley to take a strong position in pressing for state and combat hunger among the city's reported 600,000 poor.

"Even though the city has recognized a need for temporary aid, the problem still remains a chronic condition that must be dealt with by more than emergency stop-gap methods," Rev. Wallace asserted.

He said that the emergency food proposal amounts to less than $1 per hungry person.

The program, which is slated to get underway within two weeks, will be operated at nine citywide urban progress centers and five outposts operated by the Department of Human Resources.

It reportedly will differ from the city's previous "emergency food" program in that persons will be served hot meals at any of the designated centers without a "means" test to determine the extent of poverty.

Persons who are confined to their homes, either due to illness or infirmities of age will have emergency food delivered to them.

Cases of persons requiring assistance will be handled by the Chicago Committee on Urban Opportunity.

[From the Congressional Record, Apr. 16, 1970]

THERE IS STILL HUNGER IN CHICAGO

Mr. Percy. Mr. President, on April 13, 1969, hunger was discovered in Chicago. For the first time, many people learned that 200,000 children, 150,000 senior citizens, and nearly 300,000 other adults were living in poverty, unable to afford food. For the first time, the city was confronted with a problem they refused to admit existed.

One of the people who forced Chicago to notice its hungry was Mrs. Linda Rockey, of the Sun Times. Through her series of articles entitled "Hunger in

Chicago" she elucidated the numbers and problems of the hungry and malnourished in the city.

On Monday, April 20, the Select Committee on Nutrition and Human Needs is going to Chicago to investigate further its hunger problem. Unfortunately, only a little progress has been made in finding solutions since Mrs. Rockey's articles first appeared. On Sunday, Linda Rockey summarized this progress in an article published in the Sun Times. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DESPITE PROGRESS, THERE'S STILL HUNGER IN CHICAGO

(By Linda Rockey)

One year ago this week, a Sun-Times series documented the presence of widespread hunger in Chicago.

But despite all the protests and promises, one fact remains painfully clear: There is still hunger in Chicago.

It is too early to tell what the impact will be of the $500,000 emergency outlay ordered Wednesday by the City Council. But it is too late to help James White, 4442 W. Monroe, whose family went without food for several days last month.

White was working as an assembler for Hotpoint last fall when things started to go wrong. He didn't make a lot of money, but it was enough to support his young wife and two baby girls.

OFF WORK FOR A MONTH

Then, in September, on the way home from the grocery, he was shot in the back by a robber. He was out of work for a month without pay. His wife applied for public assistance, but was told she wasn't eligible. They borrowed money from relatives and friends and somehow managed until he went back to work.

But the medical bills and debts piled up, and White couldn't afford to miss more work when he suffered a relapse in February. There was more surgery and three weeks without pay. He ran out of money and people to borrow from.

He wife went to the Cook County-Department of Public Aid. It took six visits and a call from The Sun-Times before she received money for food.

On the afternoon of her fifth visit, the family hadn't eaten since the night before when they borrowed beans, neckbones and cornbread from a neighbor.

"The caseworker gave me money for busfare and told me to come back the next day about food money," she recalls. "I asked her why I couldn't go to the office on 21st St. (where emergency food aid is available on evenings and weekends). She said that the program there was for people who'd been burned out. What's worse than being completely out of food?"

STORE 26 BLOCKS AWAY

The next day Mrs. White did get a food voucher for $13.25, good only at a supermarket 26 blocks from her home. She was promised another check in the mail in a few days but it didn't come for a week. In the meantime she ran out of food again. She also had to borrow from neighbors for items that food vouchers don't buy—soap, diapers and "things to keep my house in order."

At the western district office, supervisor Geraldine Harris gave no reason for the delay in aiding the White family. "It shouldn't have taken that long," she said.

A spokesman for the main office said that apparently there was a misunderstanding over where to process Mrs. White's request.

The incident is not an isolated one, but in a way the Whites were lucky—it was only a temporary crisis. Hunger remains an ongoing problem for the city's poor—the elderly, disabled, dependent children and families whose heads work at poverty wages.

ADMIT HUNGER EXISTS

City officials no longer deny that hunger exists as then Health Comr. Morgan J. O'Connell did last year in The Sun-Times series. But the extent remains impossible to measure accurately.

The Board of Health study O'Connell promised last spring "to determine if we have a problem" never took place.

The committee appointed April 30 by the Illinois Legislature to study the extent of hunger in the state had one meeting and failed to report back by June 2. The chairman, Rep. Robert S. Jucket (R-Park Ridge), turned down an invitation to attend a hearing this Sunday on hunger in the suburbs.

"The basic existence of hunger remains unchanged," says state Rep. Robert E. Mann (D-Chicago), sponsor of the 1969 free lunch bill. But he added: "The willingness of people in power to acknowledge its existence is an important step forward."

The past year has seen several developments in the war on hunger in Chicago, but none has attacked the problem on a broad scale.

Most significant has been the expansion of the free school lunch program. Under a $5,200,000 state act to supplement federal funds, 122,000 Chicago schoolchildren now receive free lunches. Only 13,000 were fed under the program a year ago.

However, the program still does not reach all the children who qualify (at least 200,000) and many principals are unhappy with it because their schools are unequipped to offer feeding programs. In nonpoverty area schools, needy children often go without free lunches because there is not a majority need for the program. Parents still complain that the portions served are too small and too starchy.

For the first time in Illinois history, the state budget includes a section on nutrition and asks $6,700,000 for expansion of the free lunch program and $1,000,000 for initiation of a free breakfast program.

There is no free breakfast program in Chicago, except for the small feeding stations run by Operation Breadbasket, the Black Panther Party and a few other organizations.

An amendment to the City Council hunger program would commit the city to providing free breakfasts to needy children by September whether or not federal aid is found.

Still unspent is the remaining money from a $325,000 Office of Economic Opportunity grant for Mayor Daley's 36-day emergency food program last May. Less than 10,000 families were provided temporary assistance for a total cost of $137,000.

Some 2,000 South Side mothers and infants under age 1 have received certificates good for milk, baby formula and cereal under a pilot program begun Feb. 2 and financed by the Agriculture Department. The city rejected as too costly a plan now operati ning the suburbs by the Cook County Office of Economic Opportunity. Under the latter federal plan, some 14,000 mothers and children under 6 receive monthly packages of 15 nutritious food items.

Liberalization of food stamp benefits in March by the federal government has resulted in a 50 per cent increase in Cook County participation according to Dennis Doyle, Midwest director of consumer food service for the Agriculture Department.

Mrs. Nezzie Willis, secretary of the Chicago Welfare Rights Organization, said the increase in food stamp benefits helped some families but should not be construed as a solution to the hunger problem.

"You can't separate hunger from housing and other problems of the poor. What's really needed to solve the hunger problem is to give people enough money to live on."

Hunger in Illinois and the Welfare Myth

MYTH: PEOPLE ON WELFARE ARE JUST LAZY AND DON'T WANT TO WORK

Fact: Of the 536,000 on welfare in Illinois, most are unable to work. 63% are children. 16% are aged, blind or disabled. 13% are mothers, 4% are unemployable, 3% are employable but difficult to employ, and 1% are employed men who don't make enough to support their families.

MYTH: MY HARD-EARNED MONEY GOES IN TAXES TO SUPPORT "THEM"

Fact: 20 years ago 34% of the Illinois budget went for public aid. Today only 15% does. In terms of your federal tax dollar, over 66% goes into defense, less than 15% for health, education and welfare combined (which includes programs for the middle class). Many segments of society are subsidized by the government: farmers, homeowners, oilmen, railroads, universities. The federal government gives Illinois farmers over $100 million not to produce, compared to only $6 million for feeding programs.

MYTH : IF THERE IS HUNGER IN ILLINOIS IT IS BECAUSE OF POOR MANAGEMENT OF THE FAMILY'S WELFARE MONEY

Fact: The Federal Bureau of Labor Statistics in 1967 said 38¢ per meal was the minimum amount needed to provide health and social well-being. Illinois Public Assistance provides only 26¢. In addition several conditions prevent use of the full 26¢ for good. (a) most families must use food money for rent or face eviction (b) many households have poor refrigeration, rats and roaches, so can't store food (c) stores in poor neighborhoods have higher prices and poor quality, as was shown in a survey by the Church Federation of Greater Chicago (d) 1¢ of the 26 goes for tax.

MYTH : POOR PEOPLE ARE BEING CARED FOR BY PUBLIC AGENCIES

Fact: Most of Chicago's poor are not receiving public aid. In 1967 only 38% of Chicago's poor families reported by the Dept. of Commerce were on aid.

MYTH : PEOPLE ON WELFARE HAVE AN EASY LIFE

Fact: An annual Illinois Public Aid budget for a family of 4 is compared to the minimum recommended by the Fed. Bureau of Labor:

	IPA	FBL
Food	1,129	1,670
Housing	1,355	1,605
Transportation	0	75
Clothing	349	75
Personal care	160	175
Other "family consumption"	0	300
Other	0	130
Total	2,990	4,530

The recommended allowance is 50% higher than that given. Living on welfare brings a myriad of problems: allowances for rent and utilities are inadequate, buildings are substandard and public aid policy doesn't permit security deposits needed to get in better buildings; inadequate allowances of $1 per day must cover everything but housing; the Public Aid Department is not responsive to emergencies; checks are lost or stolen and it is difficult to get duplicates; the disease rate is very high among welfare recipients and much malnutrition exists among children; medical care s hard to get because of the cost of carfare and many doctors will not accept Public Aid medical cards; there is a loss of dignity because recipients are looked down on by society and there are frequent investigations to determine eligibility.

MYTH : HUNGER AND POVERTY ARE BLACK PROBLEMS

Fact: Poverty exists among all races. In the United States 73% of the poor are white. In Uptown, a primarily white area in Chicago, most of the men are underemployed to the point where their families are hungry.

MYTH : OLD AGE DOES NOT CONTRIBUTE SIGNIFICANTLY TO THE NUMBER OF HUNGRY AND POOR

Fact: Chicago has 367,000 residents 65 or older. The Chicago Commission for senior citizens estimates about 1/3 are malnourished. Nationwide about 30% of the elderly live in poverty.

MYTH : WELFARE MOTHERS HAVE BABIES JUST TO GET MORE MONEY

Fact: The allowance for an additional child is $21 month, less than enough to care for that child.

MYTH: POVERTY IS CHICAGO'S PROBLEM. THERE IS NO POVERTY IN THE SUBURBS

Fact: 1960 Census figures show 5.4% of the families (21,898) in suburban Cook County were under the poverty line. Evanston has 1388 such families.

Recent 1969 figures for Lake County reveal:

132 families on med. assistance.

562 on old age assistance.

20 on blind assistance.

351 families on disabled assistance.

469 families on ADC (involving 1681 children).

The Northwest Suburbs have an estimated 1000 hunger families, mostly of Spanish descent. The heaviest concentrations are around Wheeling, Arlington Hts., Des Plains, Palatine, Elk Grove Village and Schaumberg Village.

While poverty is not as widespread in the suburbs, it definitely exists.

SOURCES

"The Facts about the Illinois Welfare Scandal" by the Task Force on Public Aid, Church Federation of Greater Chicago. April, 1969

"Hunter and Poverty: A Report by the Advisory Committee to the Cook County Dept. of Public Aid"

"Hunger in Chicago" series in the *Chicago Sun-Times* by Linda Rockey. 1969

"Poverty in Cook County" by Welfare Council of Metropolitan Chicago, Sept. 1964

"Summary of Results of Food Pricing Survey, May 1969" by the Task Force on Public Aid of the Church Federation of Greater Chicago.

Appendix 3

CONGRESSIONAL REPORTS OF CONFERENCE ON CHILDREN'S FOOD PROGRAMS (H.R. 515) AND RELATED MATERIAL

[From the Congressional Record (Senate), Apr. 30, 1970]

School Food Service Program—Conference Report

Mr. Talmadge. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions. I ask unanimous consent for the present consideration of the report.

The Presiding Officer (Mr. Gravel). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Apr. 29, 1970, pp. H3618–H3620, Congressional Record.)

The Presiding Officer. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. Talmadge. Mr. President, it is with great pride that I ask for the Senate's approval of the conference substitute for the Senate amendment to H.R. 515. The conferees were united in their objective of developing a workable, effective bill: and the conference report is signed by all of the conferees on the part of the Senate and all of the conferees on the part of the House. While the conference substitute retains the major reforms and improvements made in the school lunch program by the Senate amendment, it contains some changes in the interest of a more efficiently administered school lunch program. The pending bill places a positive mandate on each State to extend the school lunch program to every school in the State and to provide a free or reduced price meal to every needy child in the State. Furthermore, the bill makes several important changes in the school lunch program to insure the most efficient utilization of Federal funds and the most effective delivery of school lunches to every needy child in the Nation.

The many reforms and improvements made by the bill have a long history. Of course, we should make it clear that we had a very good program to begin with. The original school lunch program was coauthored in 1946 by two of our most distinguished and beloved colleagues, the Senator from Georgia (Mr. Russell) and the Senator from Louisiana (Mr. Ellender). Moreover, these gentlemen, as members of the Senate Appropriations Committee, have been key figures in securing funding for the school lunch program throughout the past two decades, long before there was general national interest in eliminating hunger.

Throughout the years, changes have been made in the school lunch program. The major change was made with the passage of the Child Nutrition Act of 1966. Among other things, this act provided for pilot breakfast programs. Prior to the consideration of the pending bill, however, there has never been an overall reform of the school lunch program, and there has never before been such a concerted effort to see that a free or reduced price lunch is provided to every needy child in the Nation.

During the current session of Congress, the junior Senator from South Dakota has focused national attention on the problem of hunger in the Nation and has aroused the Nation's conscience to the need for action. As a member of the Select Committee on Nutrition and Human Needs, of which Senator McGovern is chairman, I am well aware of the Senator's fine work in mobilizing action on this issue. The Senator cosponsored and supported S. 2548, my bill to improve the school lunch program, and I am sure that he takes a great deal of pride in the fact that several of his amendments are retained in the final version of the bill.

I am especially grateful for the way in which Chairman Ellender has cooperated in the expeditious passage of the pending legislation. When I introduced school lunch bills pending before the Agriculture Committee. As the original author of the school lunch program, the chairman expressed keen interest in making the needed improvements and reforms during the current session of Congress. He was especially helpful in securing prompt approval of S. 2548 by the Agriculture Committee, and the committee's deliberations were enriched by the chairman's knowledge of the school lunch program.

I might add that the entire Agriculture Committee—from the Chairman to the most junior member—cooperated in securing the adoption of the best possible school lunch bill.

Mr. President, although the conference substitute contains several changes, it has retained intact most of the provisions of the Senate amendment. Some major provisions of the Senate amendment which were retained are as follows:

1. The restriction of the price of a reduced cost lunch to not more than 20 cents.
2. Keeping appropriations available until expended.
3. Revising the formula for apportioning non-food assistance funds and the establishment of an authorization level for non-food assistance foods.
4. Establishment of a National Advisory Council on Child Nutrition.

The conference substitute contains most of the other provisions of the Senate with only such technical modifications as were required to make it achieve its purposes. The differences are as follows:

First, the conference substitute provides for a free or reduced price lunch for each child belonging to a household whose income is below the poverty level, as determined annually by the Secretary of Agriculture, whereas the Senate amendment provided a free lunch for each child belonging to a household receiving Federal food aid or having an income equivalent to $4,000 or less for a family of four. First priority would be given to providing free meals to the neediest children. The conferees felt that our efforts should be directed to taking care of the children at the poverty level before providing free or reduced price lunches for those above that level.

Second, the conference substitute limits the special assistance funds disbursed to each school under section 11 of the National School Lunch Act to a maximum per meal amount established by the Secretary for all States. The Senate amendment contained no limitation.

Third, the conference substitute would require State plans to be submitted by January 1 each year, instead of June 1 as provided in the Senate amendment. This would give the States adequate time after the passage of the bill to prepare the first report.

Fourth, the conference substitute requires the State plan to describe how the State will furnish a free or reduced price lunch—instead of free lunch only as provided by the Senate amendment—to every needy child in accordance with section 9 of the National School Lunch Act.

Fifth, the conference substitute omits the deadline—start of 1972–73 school year—imposed by the Senate amendment on the requirement that State plans describe the manner in which the State educational agency proposes to include every school in the State in the operation of the school lunch program. It also provides that the plan show how the State educational agency proposes to "extend" the program to every school—rather than "include" every school in the program as provided by the Senate amendment. This would make it clear that the inability to achieve this objective would not result in terminating the program in any school. This was in accord with the intention of the sponsors of this provision in the Senate.

Sixth, the conference substitute provides for semiannual reports as to the estimated number of children entitled to free or reduced-price lunches where the Senate amendment provided for monthly reports as to the actual number so entitled. The Senate amendment would have required a practically continuous survey of the incomes of the children's households, and this was not deemed feasible.

Seventh, where the Senate amendment would have provided for the apportionment of special assistance funds under section 11 of the National School Lunch Act on the basis of the number of children attending school in households with income equivalent to $4,000 or less for a family of four, the conference substitute would apportion the funds on the basis of the number of children age 3 to 17 in households with incomes of less than $4,000. Census data is not available as to the number of children attending schools and belonging to households of various income levels. It is possible that data could be obtained as to the number of children age 3 to 17 in households of varying income levels, but data is already available with respect to children of those ages in families with incomes of less than $4,000. The conference substitute provides a more workable manner of distributing these funds.

Eighth, the conference substitute provides for withholding funds for disbursement to private schools under section 11 of the National School Lunch Act—in States where the State agency is not permitted to disburse funds to private schools—on the basis of the number of free or reduced price lunches served in accordance with section 9 of the act in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated. The Senate amendment provided for such withholding on the basis of the number of children attending private schools in households with incomes equivalent to $4,000, or less for a family of four. The data required by the Senate amendment is not available. Again, the purpose of the conference substitute is to provide a feasible method of distributing the funds.

Ninth, the conference substitute would increase the appropriation authorization for the school breakfast program for fiscal 1971 to $25 million—from $12 million. The Senate amendment contained a similar provision, but also completely revised section 4 of the Child Nutrition Act of 1966, which deals with the school breakfast program. The school breakfast program is still in a pilot program status. The conferees felt that the pilot program should be carefully studied and be the subject of hearings before the authority for it should be the subject of revision. The program will expire at the end of fiscal 1971, and it can be studied before that expiration.

Mr. President, the enactment of the pending legislation will be an important bench mark in the Nation's fight against hunger. This bill will be the first major antihunger bill to come out of the current national concern with eradicating hunger and malnutrition.

However, we must not forget that our task does not end with the passage of this legislation. Although the pending bill provides an excellent vehicle for the extension of school lunches to all the hungry children in the Nation, it will have little meaning without proper funding. Due to several features of the pending bill, a tremendous increase of funds will be necessary. The nationwide eligibility standard and the requirement that all States extend the school lunch program to every school within the State will necessitate the appropriation of at least $300 million above the administration's budget request for fiscal 1971. The $684 million requested by the administration for child nutrition did not take into account the greatly expanded school lunch program which will be created by the passage of the pending bill.

The school lunch program has many friends on the Appropriations Committees of both Houses. I am sure that these gentlemen will be happy to reassess our Federal responsibility under the terms of a greatly expanded school lunch program.

The proper funding of a greatly expanded school lunch program will meet our national responsibility to extend free or reduced-price lunches to every needy child in the Nation. It will fulfill my personal commitment, made a year ago during a tour of the school lunch program in Georgia, that no child who comes to school hungry will go home hungry.

Mr. President, I ask unanimous consent to have printed in the Record an explanation of the conference substitute, and a comparison of the conference substitute with the House bill and the Senate amendment.

(There being no objection, the material was ordered to be printed in the Record, as follows:)

EXPLANATION OF CONFERENCE SUBSTITUTE FOR SENATE AMENDMENT TO H.R. 515

The conference substitute for the Senate amendment to H.R. 515 would amend the National School Lunch Act and the Child Nutrition Act of 1966 to—

(1) Authorize appropriations 1 year in advance of the fiscal year in which they will become available and make them remain available until expended (section 1);

(2) Base the school lunch apportionment on the number of lunches served during "the fiscal year beginning 2 years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year" (section 1);

(3) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2);

(4) Authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements (section 3);

(5) Authorize direct distribution of foods under section 6 of the School Lunch Act to schools and service institutions participating in food service programs under the Child Nutrition Act and section 13 of the School Lunch Act (section 3);

(6) Require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent) (section 4);

(7) Provide for a free or reduced price lunch for any child in a household which has an income below the poverty level (as determined by the Secretary of Agriculture), the reduced price lunch to cost not more than 20 cents; but neither of these provisions are to be applicable to private schools receiving funds under section 10 of the school lunch Act until sufficient funds are available from sources other than children's payments (section 6);

(8) Provide for publicly announced policies with respect to free or reduced price lunches, and extend the requirements for such lunches to schools which are not in the national school lunch program but receive Federal commodity donations (section 6);

(9) Prohibit overt identification of children receiving free or reduced cost meals (section 6);

(10) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of children aged 3 to 17 in households with incomes of less than $4,000 per year (withholding for private schools, where required, to be on the basis of past service of free or reduced price lunches) and to schools on the basis of need, and provide up to 100 percent of the cost of the program, subject to a maximum per meal limit fixed by the Secretary for all schools (section 7);

(11) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State

agency proposes to extend the national school lunch program to every school (section 7);

(12) Require semi-annual estimates as to the number of children eligible for free or reduced price lunches, and monthly reports of the number receiving free lunches and the number receiving reduced price lunches (section 7);

(13) Authorize the Secretary to permit funds appropriated for any program under those acts to be used by the States for any other such program (section 8);

(14) Authorize use of up to 1 percent of the funds available for apportionment to States under those acts for special developmental projects (section 8);

(15) Provide for a National Advisory Council on Child Nutrition (section 9);

(16) Increase the appropriation authorization for fiscal 1971 for the breakfast program to $25 million (from $12 million); and

(17) make other minor changes.

DIFFERENCES BETWEEN H.R. 515, AS PASSED BY THE HOUSE OF REPRESENTATIVES, THE SENATE AMENDMENT THERETO, AND THE CONFERENCE SUBSTITUTE FOR THE SENATE AMENDMENT

(1) *Section 6(a) of the Senate Amendment* provides that the charge for a reduced-cost lunch may not exceed 20 cents. This is not in House bill. This is contained in conference substitute.

(2) *Section 6(b) of the Senate Amendment* requires the serving of a free lunch to any child who is a member of a household which (1) is eligible to participate in a Federal food stamp or commodity distribution program, or (2) has an annual income (to be established solely by affidavit) equivalent to $4,000 or less for a household of four. This is not in House bill. The conference substitute requires the serving of a free or reduced price lunch to any child who is a member of a household whose income is at or below the poverty level, as determined by the Secretary of Agriculture.

(3) *Section 1(a) of the Senate Amendment* provides that National School Lunch and Child Nutrition appropriations shall remain available until expended. This is not in House bill. It is in the conference substitute.

(4) *Section 4 and 1(b) of the Senate Amendment* make a number of technical corrections in sections 2(b) and 2(c) of H.R. 515 to make them achieve their purpose, and advance the effective date of subsection 2(b) of July 1, 1971. Section 2(b) and 2(c) of the House bill provide for State participation in funding of programs and for apportionment of section 4 funds (school lunch Act) upon the basis of earlier date. The conference substitute adopts the provisions of the Senate amendment.

(5) *Section 3 of the Senate Amendment* makes technical and clarifying changes in section 3 of H.R. 515. The conference substitute follows the Senate amendment.

(6) *The Senate Amendment* does not extend any additional provisions of the School Lunch and Child Nutrition Acts to the Trust Territory of the Pacific. Section 4 of the House bill is designed to do this, but would need some revision to be effective. The conference substitute follows the Senate amendment.

(7) *The Senate Amendment* does not amend section 5 of the Child Nutrition Act of 1966 to specify that equipment may be acquired through "purchase or rental", as does section 5 of the House bill. USDA advises that the law is now construed to permit acquisition through purchase or rental. The conference substitute follows the Senate amendment with the understanding that the law is to be construed to permit acquisition through purchase or rental.

(8) *Section 5 of the Senate Amendment* makes technical and clarifying changes in section 6 of H.R. 515, which deals with State administrative expenses. The conference substitute follows the Senate amendment.

(9) *Section 6(e) of the Senate Amendment* extends section 7(a) of H.R. 515 to cover donations of dairy products under section 709 of the Food and Agriculture Act of 1965, Section 7(a) of the House bill authorizes the Secretary to prescribe conditions to maximize the nutritional and financial contributions of commodities donated to schools under section 32 of P.L. 320, 74th Congress and section 416 of the Agricultural Act of 1949. The conference substitute adopts the provision of the Senate amendment.

(10) *Section 6(e) of the Senate Amendment* provides that the Senate provisions described in items (1) and (2) above shall apply to schools receiving

donated commodities even though they do not participate in the National School Lunch Act; but that they shall not apply to private schools for which the Secretary withholds funds under section 10 of the National School Lunch Act until such schools receive sufficient funds other than from children's payment to enable such schools to meet such requirements. The conference substitute adopts this provision of the Senate amendment.

(11) *Section 8 of the Senate Amendment* makes clarifying changes in section 7(b) of H.R. 515. The conference substitutes includes these changes.

(12) *The Senate Amendment* omits section 8 of H.R. 515, which provides for certain coordinated efforts by the Secretaries of Agriculture and Health, Education, and Welfare to develop training programs and evaluate food programs. The conference substitute follows the Senate amendment.

(13) *The Senate Amendment* contains provisions not in the House bill to—

(A) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2). The conference substitute adopts this Senate provision.

(B) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of school children in families with incomes equivalent to $4,000 or less per year for a family of four (withholding for private schools, where required, to be on the same basis) and to schools on the basis of need, and provide up to 100 percent of the cost of the program (section 7). The conference substitute adopts the substance of the Senate provision, but modifies the apportionment formula to use data which is available. Apportionment to States would be based on the number of children age 3 to 17 in households with incomes of less than $4,000. Withholding for private schools would be based on past service of free or reduced price lunches. Distribution to schools would be limited to a maximum per meal amount established by the Secretary.

(C) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972–73 school year (section 7(h)(1)). The conference substitute follows the Senate provision, but omits the 1972–73 deadline, and requires the State plan to describe the manner in which the State agency proposes to extend the program to every school (rather than "include" every school).

(D) Require monthly reports as to the number of children eligible for free or reduced price lunches, respectively, and the number receiving such lunches (section 7(h)(2) and (3)). The conference substitute follows the Senate provision; but, as to the number of children eligible for free or reduced price lunches, requires semi-annual estimates rather than monthly actual figures, since monthly actual figures would be practically impossible to obtain.

(E) Provide for a National Advisory Council on Child Nutrition (section 9). The conference substitute adopts the Senate provision.

(F) Revise the school breakfast program to (i) restrict it to needy children, (ii) provide for apportionment of school breakfast funds on the basis of the number of school children in families with incomes equivalent to $4,000 or less per year for a family of four (withholding for private schools, where required, to be as at present on the basis of past participation), (iii) provide for a free or reduced price breakfast for any child in a household which is eligible to participate in a Federal food stamp or commodity distribution program or which has an annual income equivalent to $4,000 or less for a family of four, and (iv) extend and increase appropriation authorizations for the breakfast program (from $12 million for fiscal 1971) to $25 million for fiscal 1971, $50 million for fiscal 1972, and $75 million for fiscal 1973. The conference substitute adopts the Senate provision increasing the authorization for fiscal 1971, but omits the remainder out of the Senate provision, with the understanding that the entire school breakfast program authority will be reviewed before its expiration in 1971.

Mr. McGOVERN. Mr. President, I rise first, to commend the distinguished Senator from Georgia (Mr. Talmadge) for being the principal author of the school lunch legislation now before us. I was happy to be a cosponsor of that legislation when the Senator first introduced it, along with the distinguished Senator from New York (Mr. Javits), the senior member of the select committee, and others, to join in an effort on the floor in what we believed were a series of helpful improvements in that legislation.

As the Senator from Georgia has just said, the House and Senate conferees earlier this week gave approval to practically all the fundamental provisions in the Senate legislation. Some compromises were reached, some of which, I thought, actually strengthened the legislation, and others perhaps modified it in a different direction but in a minor way. Substantially, we came out with a very strong school lunch program, one that is, I think, commensurate with the pledges we have made to see that no child goes hungry in the school rooms of this Nation.

Mr. President, this is an historic day for the children of America. We have long said that our children are our Nation's greatest resource. Today we deal with legislation that affirms that principle; that redeems a promise made to our school children 25 years ago—a school lunch for every needy child.

The school lunch program is perhaps as successful as any Federal program. A great deal of the credit for this rests with the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. Ellender), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. Aiken). But the program has come to be one that serves some better than others, and some not at all. It is a program where that old saying "Them that has gets" is all too true. Two-thirds of our poor children receive no lunch because they or their schools cannot afford it—while over 17 million children from more affluent families pay their 35 cents daily and take the program for granted. Three years ago the excellent study, "Their Daily Bread," brought this situation to our attention and made us aware of the need for legislative change in the national school lunch program. That started us on the road that led to this day. Along that road many came to the assistance of the Nation's children.

Last December President Nixon convened the White House Conference on Food, Nutrition, and Health. The Conference brought together 3,000 concerned citizens interested in the nutritional health of our Nation and especially that of our children. Some who came knew what it was to be poor and suffer from hunger—all knew it hurt and wanted it ended.

These 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America. That program called for a universal child-feeding program in the near future and a school lunch for every needy child immediately. This recommendation was not the result of a 3 day deliberation at the Conference. It was the result of the urgent cry of experts like Miss Jean Fairfax who produced "Their Daily Bread" and Dr. Charles Lowe who warned us in testimony before the Select Committee on Nutrition and Human Needs that while "There is no evidence that feeding people makes them smart, but it is indisputable that hunger makes them dull."

Last December President Nixon answered the concern of the White House Conference, Miss Fairfax, Dr. Lowe, and us all by pledging that every needy school child yould receive a free or reduced price lunch in school by next Thanksgiving.

February 24 the Senate unanimously passed an amended version of S. 2548 that provided the President with the legislative mechanism necessary to fulfill this vow.

The Senate in effect unanimously said we want to guarantee every one of the hungry school children in our land the right to a school lunch.

After 25 years of inaction the first step was taken toward making the rhetoric of "a school lunch for every child" a reality.

This was possible because the Senator from Georgia (Mr. Talmadge) brought to the floor of the Senate, with the endorsement of the Committee on Agriculture and Forestry the best school lunch bill this body had ever introduced.

This bill provided for such long demanded reform as authorization for year-in-advance appropriations; carryover authorization; State matching from State revenues; and a greatly increased authorization for equipment.

The bill that finally passed the Senate and went back to the House included amendments that defined the price of reduced price meals as no more than 20 cents; required the States to submit annual plans describing the States' proposed use of available monies to serve free lunches to all eligible children and the States' attempt to bring every school within the State into the national school lunch program; and most important of all, created a right of any needy child to receive a school lunch.

Thus, it was a very comprehensive bill that the Senate sent back to the House where this whole round of legislative reform had begun under the astute leadership of the distinguished chairman of the Committee on Education and Labor, and sponsor of H.R. 515.

The conference report on H.R. 515 which is pending before us now, continues in the word and the spirit of the President's December pledge and the Senate passed bill. Its objective is to bring a school lunch to every needy child through legislatively improved administrative procedures in the school lunch program.

It retains year-in-advance appropriations; carryover authorization; State matching from State revenue; increased authorization for equipment; improved allowances for State administrative expenses; apportionment of funds to the States on the basis of need rather than past participation; State plans and State reporting; an increased authorization for breakfast funds; self certification by affidavit only; and the requirement that any school not participatiing in the national school lunch program but receiving section 32 or section 416 commodities be bound to the provisions of section 9 of the national school lunch act pertaining to the service of meals without cost or at reduced price to needy children.

Even more important, the conference report retains the language of section 6 of S. 2548 that every needy child "shall be served meals." This is perhaps the most important phrase in all the legislation dealing with child nutrition. It creates, as the distinguished Representative from Illinois, Mr. Pucinski, so eloquently stated it during the conference, "a right to a school lunch." This is a right bestowed on the children of America. A right that we expect will be vigorously exercised in their behalf.

Without this vital language, and the right it creates, all our efforts at reform would be meaningless and empty. Our children would have only a promise, a hope rather than a right.

By using this language of entitlement, the Congress has made a firm commitment that it will not allow 5 million hungry schoolchildren to grow up half educated, unemployable, and dependent because they lacked proper nourishment during their formative years when they were undergoing the learning process.

This is a commitment that entails adequate funding. The Senate committed itself to it on February 23 of this year when it demanded an open ended authorization for this program while rejecting an authorization that called for $250 million in fiscal year 1971. At the time, it was made clear that this was done so that the Appropriation Committee would be free to appropriate all the money that would be necessary to fully fund the national school lunch program.

With this commitment in mind, I strongly recommend the conference report on H.R. 515 to the Senate for its approval.

Mr. TALMADGE. Mr. President, let me express my deep appreciation to the distinguished Senator from South Dakota for his generosity. As I pointed out in my remarks to the Senate, the Senator from South Dakota made a major contribution toward approval of the bill not only as a cosponsor thereof but also as chairman of the Committee on Nutrition and as a member of the conference committee. I share with him the pride of accomplishment in what I think is a major piece of legislation.

Mr. SPONG. Mr. President, I want to commend the Senator from Georgia (Mr. Talmadge) for his work on the school lunch legislation.

I believe that he has performed an extremely fine service in drafting and piloting this legislation through Congress.

I was present last year when Senator Talmadge introduced the school lunch amendments which, as he said, were designed "to insure that no child who came to school hungry would go home hungry."

I was privileged to cosponsor his bill and to testify in support of it before the Senate Agriculture Committee.

The school lunch program is, I believe, one of our most important Federal programs. It has broad potential—potential which this bill will help fulfill.

Last year, I visited a number of school lunch programs throughout the State of Virginia. I had numerous school and medical personnel tell me of the benefits of the program: That children who had been properly fed were more alert, more anxious to learn, less of a discipline problem.

Recent medical studies have tended more and more to demonstrate a direct relationship between good nutrition and mental development.

Fortunately, my State of Virginia has had a relatively high participation rate in the school lunch program—about 57 percent of all schoolchildren in the State participate.

Unfortunately, however, at least 100,000 Virginia schoolchildren who need access to the school lunch program do not now have such access.

Under the terms of the conference bill, these children could be brought under the program.

There is, it seems to me, no doubt that we need a school lunch program in every school and that every hungry child needs access to that program.

That was my purpose in cosponsoring this legislation and that is my purpose in supporting it today.

The language in the conference bill is direct.

It says that as of January 1, 1971:

> Any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall be served* meals at free or reduced costs.

That is the heart of this bill.

And that provision will be reinforced by the provisions which give the States a valid and important role in carrying out the program.

This is a good bill.

It is good so far as the school lunch program is concerned and so far as the school breakfast program is concerned.

It is also a significant bill, for, as Senator Talmadge pointed out earlier, it is the first major hunger and malnutrition bill to pass Congress, as a result of current concern over improving the nutritional status of millions of Americans.

It is the first bill to reach enactment making actual reforms in a nutrition program.

It attacks the nutrition problem where it is, perhaps, most severe and most damaging.

I am pleased to support this legislation.

I ask unanimous consent to have printed in the Record a table indicating Virginia's participation in the existing program during 1969.

There being no objection, the table was ordered to be printed in the Record, as follows:

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS, FISCAL YEAR 1969

Program	Number of schools with programs	Average number of pupils served daily			Total meals served	Federal reimbursement	Local operating cost
		Free or partially paid	Paid	Total			
Breakfast	54	4,965	3,984	8,859	885,910	$129,370.10	
Lunch	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	
Milk	1,801			[1] 49,424,367	[1] 149,807,867	1,811,560.55	
Nonfood (equipment)	264					549,970.85	
Total reimbursement						8,415,248.64	
Local operating cost							$47,077,693.26

[1] One-half pints.

Source: State Department of Education, Commonwealth of Virginia, School Lunch Division.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. TALMADGE. Mr. President, I express my deep appreciation to the Senator for his generosity. The Senator from Virginia was a cosponsor of the bill I offered which was the genesis of this bill. He made a major contribution to its passage. I appreciate it. And I thank him for his interest.

Mr. SPONG. Mr. President, I thank the Senator.

MR. JAVITS ENDORSES CONFERENCE REPORT ON H.R. 515

Mr. JAVITS. Mr. President, I, too, thank the Senator from Georgia, who is primarily responsible for this bill. The Senator from Georgia took distinguished leadership in bringing the bill to its present state, and we have every expectation that it will become law.

I thank the chairman of the Committee on Agriculture and Forestry (Mr. Ellender), with whom I worked so closely on the Select Committee on Nutrition and Human Needs, and I also thank the other Senators who took part in this splendid effort which resulted in these major improvements to the National School Lunch Act. I wish to express a particular vote of thanks to Senator McGovern, the chairman of the Select Committee on Nutrition and Human Needs, for his fine efforts in improving our school lunch program.

The Senate is today considering the conference report on H.R. 515, to amend the National School Lunch Act. As the ranking Republican on the Select Committee on Nutrition and Human Needs, and as the sponsor of one of the Senate amendments to S. 2548 which passed the Senate overwhelmingly on February 24, I urge the Senate to adopt the conference report.

My amendment would have established a national eligibility standard to assure that all children from families with incomes equivalent to or less than $4,000 would receive free lunches. The conference substitute deleted this $4,000 standard in favor of making the standard the poverty level as determined by the Secretary of Agriculture. I accept this change. My major purpose in introducing my amendment was to establish a national standard. I feel that the conference action will not only maintain this principle, but in fact, may even be much broader since the poverty level is now approximately around $3,600 and will surely rise above $4,000 within a few years. Also, and very important, the poverty level standard is a minimum level and is not a ceiling. Therefore, children who meet the poverty level criteria in a state like New York where the poverty level is above the national level would still get free and reduced price lunches.

Under this standard, set in the conference report, States and local schools will no longer be able to be arbitrary in the determination of which children will receive free or reduced price meals as was the case in the past. The law will be clear: any child at poverty level must receive a free or reduced price lunch and priority for free lunches must be given to neediest children. This makes the intent of the Congress crystal clear that poor children can no longer be denied free or reduced cost lunches.

I am pleased that the conference adopted my provision which set 20 cents as the maximum cost of a reduced price lunch. The purpose of reduced cost lunches is to bring meals to children who could not afford the meal at the regular price. The previous lack of definition allowed districts to provide reduced cost meals at only a trivial reduction off the regular price. I believe that by establishing 20 cents to be the maximum cost of such lunches, participation in the lunch program by needy children will mushroom. Studies have shown that the lower the price, the greater the participation.

The conference report also maintained my provision for determination of income solely on the basis of an affidavit executed in such form as the Secretary of Agriculture may prescribe. I am pleased with this action because it complements the trend in many of our domestic programs to use the affidavit as the basis for determining income eligibility. I cannot stress strongly enough that this affidavit must control in the determination of eligibility for free and reduced price lunches.

The conference report also contains a provision which I believe is most necessary: that there shall be no overt identification of the recipients of free or reduced price lunches. This is of critical importance because of the dignity which it confers upon the poor. This anonymity is very crucial and is very necessary in order to bring those children into the program who in the past, because of the stigma of identification, did not choose to participate in the program.

I urge the Congress to appropriate the funding necessary to provide every needy child with a free or reduced price lunch. At the very least, I feel we need $300–$400 million more for free and reduced price lunches.

Finally Mr. President, our goal must be to give all needy children a free lunch. I am hopeful that we can accomplish this in the very near future and the action of the House-Senate conference will go a long way toward the accomplishment of this objective.

Mr. TALMADGE. Mr. President, I express my deep gratitude to the distinguished Senator from New York for his assistance. The Senator from New York (Mr. Javits) made a major contribution of his own toward the passage of this legislation. He authored a bill and appeared before our committee and testified in behalf of his bill.

The Senator from New York offered amendments on the floor, several of which were agreed to. So, this bill contains a major share of his handiwork and he can take pride in that fact.

Mr. Javits. I do. And I again repeat that it would not have been possible without the understanding and cooperation of the Senator from Georgia.

Mr. Talmadge. Mr. President, I thank the Senator.

Mr. Dole. Mr. President, the school lunch program was started in 1943. Its value has never been questioned. As is often the case, however, the administration of a legislative program does not always meet the expectation or intent of the creators. This problem of interpretive implementation of the school lunch program coupled with normal social and educational changes have highlighted the need to correct the problems of nutrition and hunger among the school children of the United States today.

As a member of the Senate Select Committee on Nutrition and Human Needs and the Senate Agriculture and Forestry Committee, I have seen the need to update the school lunch program. In examining the conference committee report on H.R. 515, I am pleased to note that the conferees' recommendations embody the basic principles of S. 2548 as originally reported from the Committee on Agriculture and Forestry which I supported.

The recent report of the White House Conference on Food, Nutrition, and Health contains many recommendations which are fulfilled in H.R. 515. The report emphasizes that malnutrition is severely distracting to a child and may interfere with the learning process and is likely to precede undernutrition. The report suggests that one effective way to take immediate action against this problem is to provide expansion of the school lunch and breakfast programs. This legislation provides that recommended expansion.

With this legislation a child from a low-income family will receive his meals free or at reduced rates without any stigma or discrimination. All children will be able to listen and study free from hunger pains and unexposed to ridicule of their poverty status.

The White House report also stresses that presently many of the schools that need the school nutrition programs the most cannot afford the kitchen and serving equipment necessary to qualify for the program. This bill will make it possible for professional catering firms to rent the equipment to a school or even prepare and serve the meals on a contract basis. When passed, the National School Lunch Act and the Child Nutrition Act amendments will assure proper adequate and nutritious meals for all students, especially the children from lower income and poverty families. This will eliminate a hindrance these children have faced. It will aid them is assimilating the education so important to success in their mature lives.

Therefore, I urge the Senate to support H.R. 515 as reported from the conference comittee in the interest of insuring equal opportunity in education through adequate nutrition.

I commend the Senator from Georgia for his excellent work.

Mr. Byrd of West Virginia. Mr. President, I am pleased to support and vote for the conference report to H.R. 515. This legislation will amend and broaden the National School Lunch Act and the Child Nutrition Act of 1966. It provides for much needed administrative reforms, revises the State matching requirements, strengthens the nutrition training and education programs, and increases the availability of these needed food service programs for our children.

This legislation will go a long way toward erradicating hunger among our school children. Our country—the richest in the world—can and should continue to operate these programs so that no child attends school on an empty stomach.

In my State of West Virginia, we have some 321,000 school-age children. Over half of these children will benefit by these programs.

It will mean that learning will still be of foremost importance, but it will mean normal growth and proper nutrition for an increased number of our children. It will be a small investment for a high return from our greatest national asset—for our hopes for the future rest with the children of today.

Mr. Talmadge. Mr. President, I move the adoption of the conference report.

The Presiding Officer. The question is on agreeing to the motion of the Senator from Georgia.

The report was agreed to.

[From the Congressional Record (House), May 4, 1970]

CONFERENCE REPORT ON H.R. 515, CHILDREN'S FOOD SERVICE PROGRAMS

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against chaldren, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 29, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of managers on the part of the House be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it is with great pride that I present today the conference report on H.R. 515. This bill creates a new charter for the child nutrition programs. It will strengthen the State and local administration of these programs and it will extend and improve their nutritional benefits to all children, especially to those children who come from poor families.

The history of this bill is worthy of brief review. It was first introduced nearly 2 years ago as H.R. 17873, on January 14, 1968. This action was an outgrowth of a series of hearings held by the House Education and Labor Committee on the subject of malnutrition and Federal food programs. Testimony from many groups brought out clearly the need for greatly expanded efforts to provide better nutrition for our Nation's children.

H.R. 17873 was passed by the House and subsequently passed by the Senate as part of another measure and thus did not go to conference. H.R. 515, as it now stands, is a much improved version of the original bill as a result of the legislative process through both Houses of the Congress. In total, the bill is a product of all interested groups, both inside and outside of the Federal Government. It is a bipartisan effort and worthy of your full support.

Mr. Speaker, I also feel constrained to say that in the past 2 years there has been much clearer recognition of the compelling need for improvement in the child nutrition programs. Additional funds have been forthcoming and significant progress has been made in reaching more needy children. Only recently, H.R. 11651 was approved to provide an additional $30 million to sustain the program of free or reduced-price lunches for needy children through the remainder of this school year.

I should like here to discuss some of the major features of the bill and their implications.

It carries authority for appropriations 1 year in advance for the School Lunch and Child Nutrition Act programs. For the first time, State departments of education and local school districts will be able to do effective planning on the use of Federal funds. The benefits of this major step from the standpoint of efficiency and good management will be far reaching and of great significance.

The authority for the appropriation of nonfood assistance funds to schools in low-income areas has been extended for 3 additional years. A major improvement has been made in the apportionment formula to direct these funds to the areas of greatest need.

Authority is given to the Secretary of Agriculture to make grants to the States for nutritional training and education for school lunch workers, cooperators, and participants and for necessary surveys and studies of requirements for food service programs. The provision means that State administration agencies will be able to give special attention to the important task of improving the knowledge of the principles of good nutrition among all those taking a part in the child feeding programs.

The matching of Federal funds by the States will be strengthened. For the first time, a portion of the matching requirement must be provided from the State level revenues. This provision will not take effect until July 1, 1971, in order to give State legislatures sufficient time to appropriate funds.

National standards, based on income poverty guidelines, are established for determining the eligibility of needy children for free or reduced-price meals. Local school authorities will publicly announce these standards and will be required to take necessary measures to avoid identification of children receiving free or reduced-price meals. Parents whose children qualify under these standards will apply on the basis of a simple self-certification process free from any humiliating or discriminatory practices as recommended by the White House Conference on Nutrition and Health. We who were managers on the part of the House also wish to impress on local school administrators that such income data are confidential.

Section 11 of the National School Lunch Act is to be amended in order that Federal funds can be used in any school to finance lunches for needy children: the present law limits special Federal assistance of this type to those schools serving predominantly low-income areas.

In addition, a desirable change is to be made in the formula for the apportionment of these special assistance funds among the States. This action will direct the necessary funds to the areas of greatest need.

All State educational agencies will be required to submit a plan annually beginning January 1, 1971, describing the measures that will be taken to furnish free or reduced-price lunches to every needy child.

Authority is to be granted for States to transfer funds between authorized programs on the basis of an approved State plan of operation. States also may receive funds to carry out special developmental projects to test out new and improved methods for providing nutritious meals to children.

Finally, a National Advisory Council is to be established to make a continuing study of child nutrition programs with a view to determining how such programs may be improved.

Mr. Speaker, I have only touched on the major features of the bill before us. I can only repeat that it sets forth a new charter for the development of child nutrition programs in the Nation. State governments and local school authorities are given new authorities and new responsibilities in partnership between the Federal Government and the States. The framework has been established to see to it that no child shall go hungry, or lack proper nutrition. This is a goal to which we are all committed.

In the years to come, we and the States must honor this commitment with the funds and resources required. We can do no less.

In closing, I would like to express very sincere thanks and gratitude to the many individuals and organizations across the country who have helped to make the objectives of this legislation a reality.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Kentucky for yielding.

How do the expenditures authorized in the conference report compare with the expenditures for this purpose as authorized in the legislation originally approved by the House?

Mr. PERKINS. Let me say to the distinguished gentleman from Iowa that the School Lunch Act authorizes the expenditure of such funds as may be necessary, but we have many different categories where we have different authorizations in this bill. Last year for the entire school lunch program we spent $551,650,000, not including the special milk program, which amounted to $104 million in addition. We have in the budget this year $684,978,000, not including the special milk program.

Mr. GROSS. Mr. Speaker, would the gentleman restate the last figure he gave for this year?

Mr. PERKINS. For fiscal year 1971, assuming that the House Committee on Appropriations when they take up consideration of the moneys, appropriate the full amount in the budget, it will be $684,978,000. But I may say there is nothing in the budget for fiscal year 1971 for the special milk program, where we expended $104 million last year.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, will the $684 million envisaged by the gentleman include the breakfast program?

Mr. PERKINS. It does include the breakfast program. It includes the regular school lunch program, the direct appropriation in the amount of $169 million, and the free end reduced price lunches, and the special food services program.

Mr. GROSS. How about the special milk program?

Mr. Perkins. It does not include that milk program. It does include the school breakfast and the administrative expenses, nutrition education, and direct lunch program expenditures. It includes that and the Federal operating expenses.

Mr. Hall. Mr. Speaker, will the gentleman yield?

Mr. Perkins. I yield to the gentleman from Missouri.

Mr. Hall. Mr. Speaker, I appreciate the gentleman yielding.

Apropos of the colloquy between the gentleman in the well and the gentleman from Iowa, is it $684 million of Federal contribution to this program?

Mr. Perkins. The $684 million is all Federal contributions, including section 32 foods and section 416 foods that come from CCC stocks. Yes, sir.

Mr. Hall. Mr. Speaker, I thank the gentleman. I have one additional question. On page 10 of the report of the members of the conference on the part of the House, under "School breakfasts" it is not clear to me the way the report is written whether the conferees simply go from $12 million for fiscal year 1971, to $25 million, or whether they go on to $50 million for fiscal year 1972 and $75 million for fiscal year 1973.

The next sentence says:

There are no further extensions or increases nor other amendments.

Are we extending this for 3 years, or just doubling it for fiscal year 1971?

Mr. Perkins. It was agreed among the conferees that we would extend the program only through fiscal year 1971 and set the authorization at $25 million.

Mr. Hall. And it would require a further authorization for fiscal year 1972?

Mr. Perkins. That is correct.

Mr. Hall. I thank the gentleman.

The Speaker. The time of the gentleman from Kentucky has again expired.

Mr. Perkins. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Quie. My Speaker, will the gentleman yield?

Mr. Perkins. I yield to the distinquished gentleman from Minnesota (Mr. Quie).

Mr. Quie. This will be the first time the States are required to participate in the School Lunch Act as we have provided in the bill that we first passed in the House.

Mr. Perkins. The gentleman is absolutely correct. Heretofore we have required matching from the Federal level on a 3 to 1 basis, but that has mostly come from charges to schoolchildren, from money collected from schoolchildren for their lunches.

This really places the responsibility on the States. In my judgment, it will make the school lunch program a much greater and more effective program with that responsibility placed on the States, because they should be carrying a part of this burden.

Mr. Quie. If the gentleman will yield further, it should not be an onerous burden on the States, since they start out with 4 percent for 2 years, and then 6 percent for 2 years, and then go to 8 percent.

Mr. Perkins. That is correct. We may run into a problem, inasmuch as many of the various State legislatures will not meet until 1972. We would not want to punish those States which do not have a regularly scheduled meeting in 1971.

I know in my home State the legislature recently adjourned, before enactment of this legislation. But perhaps we may have to postpone that date to some future. date. I hope not. I hope that special sessions and so forth will be called to take care of this important matter.

Mr. Quie. The gentleman from Kentucky also raised a question as to affidavits, under the bill. While the Department of Agriculture has not yet worked out details of the specifications regarding the affidavits, the gentleman from Kentucky agrees with me, does he not, that this is merely a certification on the part of the parents to the school of their income level, rather than the normal sense of an affidavit notorized, going through complicated legal proceedings.

Mr. Perkins. I agree wholeheartedly with the distinguished gentleman. Any other interpretation on the part of the Secretary of Agriculture would be embarrassing, and humiliating to the parents of poor children. I feel that any reasonable-minded Secretary would not resort to the technical requirements of an affidavit subscribed and sworn to before a notary or someone authorized to administer an oath.

The gentleman has stated the intent of the committee and of the conference committee correctly.

Mr. Quie. Let me also ask a question with regard to private and parochial schools. There is some question as to whether private or parochial school students would be treated the same as public school students, or would the private or parochial schools be in any way handicapped in their effort to provide free or reduced cost school lunches for children from families below the poverty level who attend their schools?

It is my understanding there is no intent to handicap private and parochial schools or inhibit them from providing free or reduced cost lunches.

Mr. PERKINS. That is absolutely correct. Where there is a conflict with State laws, the Secretary of Agriculture will deal directly with the private or parochial school, just as he has in the past. We do not intend to take one thing away from the private schools by this legislation, but we will let the Secretary deal directly with those private schools where a State law conflicts.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am glad to yield to the distinguished majority leader.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, adoption of this conference report is another evidence of congressional leadership in responsible legislation.

The bill we send to the President today got its start in the Committee on Education and Labor in 1968, when a predecessor bill, with bipartisan sponsorship and support, was reported to the House. It was unanimously approved on July 1 by a 352-to-0 vote.

The Committee on Education and Labor again, unanimously, reported H.R. 515 on March 17, 1969. It passed the House without opposition on March 20, 1969. The Department of Agriculture was lukewarm in its support, sending a permanent civil servant to testify, rather than an official in a policymaking position.

Last fall the distinguished junior Senator from Georgia with a bipartisan group of cosponsors, introduced a bill somewhat similar to H.R. 515. It was strongly endorsed by Members of both Houses and interested public witnesses, but again the administration was reluctant to take strong, positive, and aggressive steps to solve the problems of hungry children.

The legislation finally has administration support, but it is a congressional mandate that we are giving today. We can all be proud because we have actual responsibility from both sides of the aisle.

I congratulate the gentleman from Kentucky, the chairman, and all of the members of the Committee on Education and Labor for their leadership in this field.

Hungry schoolchildren will thank them and us.

Mr. PERKINS. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Minnesota (Mr. QUIE).

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Mr. QUIE. Mr. Speaker, in recent years the problems of hunger in America have received a substantial degree of attention through the press and public and particularly in the Congress. The national school lunch bill has for years addressed itself to those needs. I have, since coming to Congress, been a supporter of this legislation, and have worked actively to promote and expand it through the years in an effort to extend its effectiveness. This has not been an exclusive effort on my part by any means. The gentleman from Kentucky, the chairman of our Committee on Education and Labor, CARL PERKINS, and I have worked together for years to develop our mutual concern for this program. I think, Mr. Speaker, it is significant that every piece of school lunch legislation to be signed into law in recent years was initiated in the House of Representatives. It is important to note that these actions were started before, and continued after, the general public became concerned about hunger and organizations came into being to help eliminate this problem.

Specifically, Mr. Speaker, last year the gentleman from Kentucky and I recognized that there were insufficient funds to meet the school lunch needs in this country and introduced temporary emergency assistance legislation designed to meet that problem. This recognition came as a result of our feeling in the House of Representatives that some action had to be taken, not because of prompting by the other body. The gentleman from Kentucky and I introduced legislation the end of May and the House acted shortly thereafter, authorizing $100 million to meet this emergency need. Yet, it took over 10 months before the President got the bill and signed it into law, after the other body reduced this to $30 million.

This legislation that we are considering today was also initiated in this body and it was introduced the first day of the 91st Congress. It was passed by the House less than 2 months later. And yet, it has haken over a year for action to be forthcoming so that we can come before you today with a conference report and tomorrow send this bill to the President for signature. It has been the House of Representatives that has consistently taken the lead in this area. We may be short on the rhetoric, which appears to be commonplace elsewhere, but we are, Mr. Speaker, first to act on legislation because we do understand the problems and recognize the needs.

I think it is important to clarify some misunderstandings that may exist in regard to changes that were made in the conference report. As you know, several amendments to the original bill were made on the floor of the Senate. House conferees felt that some modifications to those amendments were necessary. Much attention has been focused specifically on the new eligibility language in section 9 which states:

"Free lunches shall be served to low-income children or children being eligible for school lunches."

The wording in my judgment is academic because the existing School Lunch Act, in section 9, the third sentence, now reads:

"Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch."

Mr. Speaker, our action in conference takes the basic concept already in the law and expands it so that all poor children shall be served free or reduced-price meals on a standard as determined by the Secretary of Agriculture. The discretion for determination as presently written in the law remains with the local school authority.

What we did in this legislation, the conference report, is to specify a national standard that shall apply to local school boards. So, as it was written previously into law, such meals free or at lowest cost shall be served, but instead of left entirely to the discretion of the local school system a child coming from a family which is below the poverty level, $3,800, nonfarm; and, $3,200, farm must be served free or lowest-cost lunches. The local school authorities retain their authority to provide free or reduced cost lunches for children who come from a family whose income is above the poverty lines.

Another change as noted in the newspapers I feel there has been a misrepresentation of what we attempted to do on the House side in the conference report. When the Members of the other body suggested that we continue to use those words, "shall be served," instead of "shall be eligible," we accepted that change because we understood the meaning was the same anyway and while it made the language redundant, it made the amendment absolutely clear. That is the reason I suggested we change the words "shall be eligible" to "shall be served."

Mr. PERKINS. Mr. Speaker, will the gentleman yield

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I would like to say to the gentleman from Minnesota, who has labored so diligently and untiringly from the time we introduced the legislation, that I read the press release, and it was most difficult for me to understand because it was very clear that it was based altogether on hearsay evidence. In the first place, the gentleman from Minnesota (Mr. QUIE) offered the amendment to substitute the terminology "shall be served" instead of "shall be eligible."

Be that as it may, no one doubts the hard work the gentleman from Minnesota has done throughout the years in trying to strengthen the child feeding programs in this country, and the Federal lunch programs. No Member in this body has made a greater contribution to this than, and I personally want to compliment the gentleman for the great work that he has done, and for his untiring work all the way through in connection with improving the school lunch program.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I think it is important for me to point out that, in my judgment, the most significant change in the legislation, and one which I developed with the gentleman from Kentucky is that when meals are provided free or at reduced cost to needy children, the first priority shall be given to free meals to the neediest. In other words, given the existing funds we have available, the poorest of the poor will be served under this legislation. It is my feeling that this approach is fair, rational and defensible.

As we point out in the conference report, those who are not able to pay for the lunches, even at a reduced cost, shall be provided free lunches by the local school authorities and Federal funds available shall be used for this purpose first.

I follow the developments in child feeding programs and note with great enthusiasm that Federal interest and support is improving and achieving results. As of December 1969—the last month for which figures were available—4.6 million needy children were receiving free or reduced-price meals. That is nearly one-quarter of the more than 20 million school children whose school meals are supported in part by the national school lunch program. The 4.6 million figure is up from 3.4 million at the end of the last school year and from 2.2 million the year before that. Thus free and reduced-price meal participation has more than doubled in slightly more than 1 year. By the end of the current school year it is expected that more than 5.5 million of the estimated 6.6 million needy children eligible for free and reduced-price meals should be receiving them.

As I said earlier, the gentleman from Kentucky and I cosponsored legislation last year to assure that adequate funds for this purpose would be available and that legislation was accepted by the administration as a vehicle for providing an additional $30 million for school feeding when program expansion outran earlier budget estimates. I am prepared to act again if I believe that funding is not adequate.

The legislative history of the Senate debate makes it clear that a State should not be cut off from program assistance because of the failure to reach every eligible child. The language of the conference amendment makes it clear that schools who make a good-faith effort to feed needy children and in fact do feed free meals to the neediest children first will not be subject to harassing lawsuits that may cause school districts to drop out of the lunch program entirely, as occurred to one school district.

Mr. Speaker, I raise this point because I am concerned that many well-meaning people who are enthusiastic about the cause may hurt the very children we are attempting to help here today. I point specifically to OEO's Legal Services unit, which is representing plaintiffs in suits challenging food assistance and school lunch programs throughout the country.

I have been advised there is a very active effort to generate extensive litigation. My concern is that successful suits could cause more schools to drop the national school lunch program entirely. It is my feeling that the mandate we are given here today addresses the needs of poor people and our desire that poor children be fed. I feel no end is served and no child's welfare advanced if a school closes its program. It is my hope that Federal, State, and local officials will work together to try to implement the provisions that we pass here today so that there will be an extension of food assistance for the young people who are in need rather than any curtailment as occurred in one school district so far.

We also have provisions here and language requiring that the State develop means of extending their school lunch program so that all of the schools within the State will be covered because at the present time not all of the schools are covered. This is especially difficult in some areas where the schools are extremely old.

We believe this will strengthen our hands in reaching these children in school and in day-care centers and in summer activities.

We all know that in this abundant land there is no excuse for malnutrition—let alone hunger. This bill removes the legislative inhibitions to fully meet the needs of our neediest children, and if any of us who have been working hard on this legislation find that additional legislative changes need to be made to reach our needy children, we stand ready to make those changes.

For the first time, we are requiring that the States contribute revenues toward the child feeding programs. Mr. Speaker, I recognize that there are tremendous demands on State revenues and, as a result, we built in a gradual and limited basis for matching funds from these sources. This change will mean far more than just additional funds for the program. I believe that it will introduce a new level of monitoring, and a new level of evaluation. This will result in closer scrutiny at the State and local level as to whether these programs are actually meeting the needs and whether the local tax money is being expended to fully meet the needs of the young people who do not have adequate revenue from their parents in order to buy the food they need.

We are talking about new developments, new approaches, new ways of getting meals to youngsters most in need of a good meal or two a day. We are talking about applying the new technology to an old problem.

Conventional thinking in the programs for feeding children tended toward duplicating restaurant-type facilities. Many of the newer suburban high schools and even elementary schools have gone this route. The parents can and are willing to support this type of operation.

But what do you do about feeding the youngster in overcrowded, old, elementary schools in downtown areas? Time was when the children attending these schools were expected to and did go home for lunch. It might have been a good lunch of a pickup kind of lunch—or it may not have been any lunch at all, if the school is in a ghetto area.

Times have changed. Now poor families in ghetto areas have greatly expanded. Also around our old schools we also have working mothers. Many by choice, but a great many because they have to. We have heard for years about the "door-key" or "latch-key" children who, by force of circumstances, must shift for themselves quite a few hours of the day.

With the new technology, any school in this country can provide a good meal for these children—can keep them from wandering the streets or dropping into the neighborhood store for empty calories that appease hunger but do nothing for nutrition.

I want to call your attention to another important factor in this bill which could be far reaching. This involves the provision for nutritional training and education for workers, as well as for the participants in these programs.

The school lunch program in the past, while being a great aid in supplying at least a portion of the dietary needs of children, did not seek to interest the child nor the family in the program's purpose. A child either liked, or disliked, the menu for the day and generally took no interest in learning to appreciate the value of any particular item toward improvement of mind or body. In fact, this situation exists at this moment. The youngster may read the menu or hear it on the radio prior to serving time. If he does not like the items for the day, he may bring an adequate lunch from home but otherwise will probably buy a candy bar or soft drink.

Nutritional education, if subtly handled, can do much to engender pride or discipline in eating necessary foods when the thought is present that a keener mind or a more athletic body will result.

The old phrase "You Are What You Eat" might well be revived in modern terms with all the promotional means we have at our disposal in our communication programs today.

Mr. Speaker, this legislation clarifies and enlarges the authority and the commitment to better child nutrition. It provides for better planning, clearer standards, and an enlargement of the Federal, State, and local coordination on which the program has been so successfully based.

The provisions for advance appropriations, for an annual State plan of operation and for surveys and studies at the State and local level will allow coordinated development and expansion.

Advance appropirations will allow the Department of Agriculture to allocate school feeding funds prior to the beginning of the school year. This will be a great improvement over the experience of recent years when delays appropriations bills have kept schools in uncertainty about allocation levels until well into the school year.

The State plan of operation will require that every participating State outline the manner in which it proposes to extend the program to every school, and to meet the needs in every school for free and reduced price lunches. The State plan will also require States to coordinate the lunch program with the breakfast program and with plans for feeding in summer camps and day care centers. Thus the plan will outline a year-round nutrition strategy. And by allocating funds for surveys and studies on a local level, it will be possible to make programs more responsive where it counts.

While the bill clarifies eligibility standards for free and reduced-price lunches, it requires that there be no overt identification of recipients. This is particularly important. School children are particularly sensitive to identification as being different or in any way inferior. H.R. 515 assures that the school lunch program will not be used to divide school children into a universe of haves and a universe of have-nots.

This legislation extends the availability of free and reduced price lunches to those schools that have only received donated commodities from the Department of Agriculture. Until now it has been possible for a school to obtain substantial commodity support for its lunch program without meeting the nutritional requirements of the type. A lunch or providing free and reduced-price lunches to needy students. Now schools that wish to receive assistance for their feeding programs must participate in the national school lunch program and meet the program's requirements as to serving needy students and providing nutritious meals.

H.R. 515 makes an important change that will allow child nutrition programs to operate in a more flexible manner. Section 11 assistance for free and reduced-price lunches will be available for needy children in all schools. Previously it was only available to needy children in needy schools. Those schools with only small numbers of needy children were expected to provide free and reduced-price lunches out of regular funds. In practice children transferring to better schools have found themselves losing out on lunches. Now the funds can follow the child.

I am pleased that these changes have been made with the help of most involved.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

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